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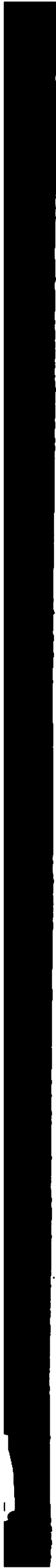


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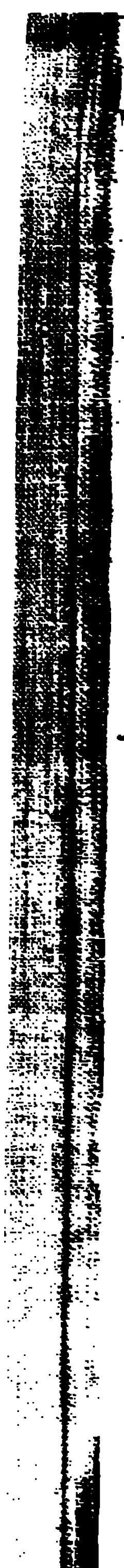


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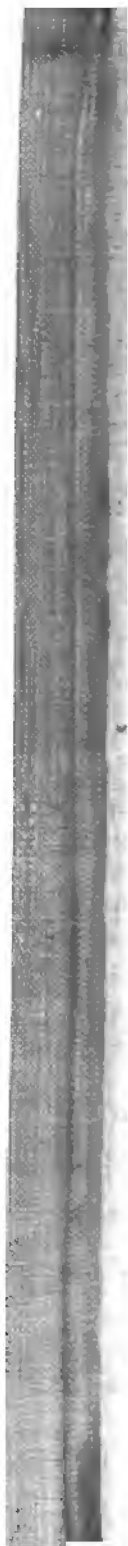


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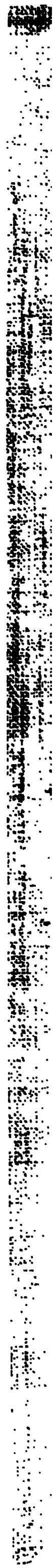














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# New York State Library

MELVIL DEWEY Director

## Bulletin 91 LEGISLATION 24

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1905

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*State Library Albany N. Y. Nov. 26, 1904*

**A. S. Draper**

**Commissioner of Education**

**DEAR SIR:** The annual Summary and Index of Legislation, the first of its series, is transmitted herewith and recommended for publication.

As a contribution to better organization of material for comparative study of state government and laws the State Library issues three annual bulletins: Digest of Governors Messages, Summary and Index of Legislation, and Review of Legislation.

The Digest of Governors Messages is a topical digest covering the states and including related topics in the president's messages. The Summary and Index of Legislation is a minutely classified summary or index of new laws passed by all the states, including votes on constitutional amendments and decisions declaring statutes unconstitutional. The Review of Legislation contains contributions from specialists in all parts of the country reviewing governors' recommendations and laws enacted on each important subject.

These three closely related annuals are bound together to form the Yearbook of Legislation.

MELVIL DEWEY

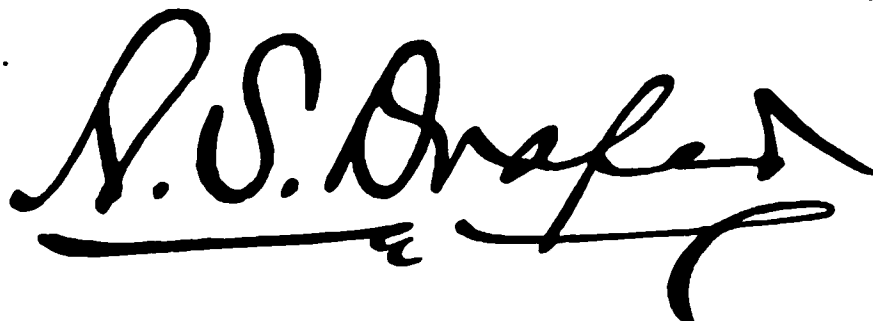
*Director*

*State of New York*

**Education Department**

**COMMISSIONER'S ROOM**

*Approved for publication Nov. 26, 1904*

A handwritten signature in dark ink, reading "A. S. Draper". The signature is fluid and cursive, with a long horizontal flourish extending from the end of the name.

**Commissioner of Education**







New York State Education Department

# New York State Library

MELVIL DEWEY Director

Bulletin 91 Legislation 24

## Comparative Summary and Index

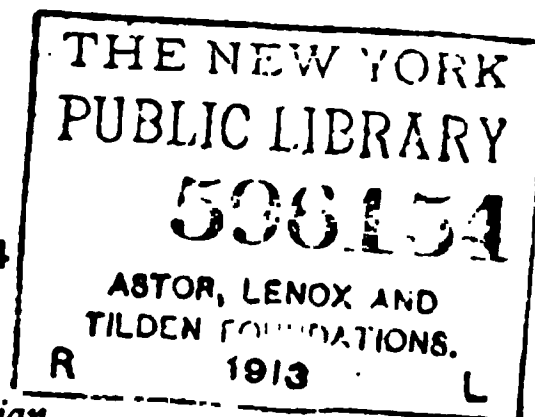
OF

LEGISLATION 1904

Oct. 1, 1903—Sep. 30, 1904

EDITED BY

Robert H. Whitten *Sociology Librarian*



### PREFATORY

#### EXPLANATIONS

These must be carefully read to understand the bulletin.

**Scope.** All general permanent laws are included. Private, local and temporary acts, unless of great general interest, are omitted. Many acts, general in form but special in their application, are also omitted. Private acts applying to particular persons or granting relief to specific public officers and local acts applying to a single political division or to but a small proportion of the political divisions belonging to the same class are omitted. All general appropriation bills are omitted. Special appropriation acts providing for the establishment of a new institution or making some extraordinary appropriation marking the beginning of a new state policy are included. Laws providing for the general management and control of a particular state institution are included but those relating to some detail in the administration of a particular state institution are omitted. All laws legalizing acts already performed are omitted.

**Method.** Usually but one entry is made for a law. To ascertain what legislation has been passed concerning a subject it is necessary for the reader to refer also to the more inclusive heads and to observe carefully the cross references. The change made by the new law is shown, if it is practicable to show it concisely. Italics are used to indicate new matter; matter superseded by the new law is included in brackets.



**Citations.** A citation to an act indexed or summarized is set off at the end of the entry. It contains chapter number or page of act or resolution and day and month of approval or passage. In all states except Georgia, Alabama, Illinois, Missouri, Ohio and Oregon the session laws are numbered consecutively. Where this is the case the abbreviation for chapter (ch.) is omitted; e. g. 94, 5 Jl 03. In the six states in which acts are not numbered consecutively, number of page is given preceded by the abbreviation p.; e. g. p.471, 9 My 03.

In North Carolina and Rhode Island where the governor's approval is not necessary, in a number of states where joint and concurrent resolutions do not require the approval of the governor and in the case of bills that become laws by the expiration of time without the signature of the governor, the date of passage by Legislature is given. In a few cases the date of passage and approval are both omitted in the session laws, and in these cases the year only is given.

Citations to statutes amended or repealed by the act indexed always begin with the most general part and end with the most specific; e. g. '95 ch.859 §2; '98 p.78; R.S. '96 t.3 art. 10 §3 ¶ 4. For abbreviations used in citing compilations of statutes see next page.

**Classification.** The classification of the summary is the same as that used in the Digest of Governors Messages and will continue unchanged from year to year, except for insertion of new headings necessitated by new subjects of legislation. The numbers assigned to headings will also remain unchanged so that readers can follow recommendations and laws on any subject by looking under the same marginal number in each bulletin. The numbering corresponds to the consecutive numbering of headings in our card index of legislation 1890 to date. Where there is no legislation this subject number is skipped. The entries under each head are alphabetized by states and each entry is designated by a letter or a letter and numeral; e. g. b, d2.

**Subject index.** This is an alphabetic list of the subjects included. References are to the marginal class and entry numbers.

#### ABBREVIATIONS

##### Months

Ja	January	Ap	April	Jl	July	O	October
F	February	My	May	Ag	August	N	November
Mr	March	Je	June	S	September	D	December



## ABBREVIATIONS

### States and territories

Ala.	Alabama	Neb.	Nebraska
Ari.	Arizona	Nev.	Nevada
Ark.	Arkansas	N. C.	North Carolina
Cal.	California	N. D.	North Dakota
Col.	Colorado	N. H.	New Hampshire
Ct.	Connecticut	N. J.	New Jersey
Del.	Delaware	N. M.	New Mexico
Fla.	Florida	N. Y.	New York
Ga.	Georgia	O.	Ohio
Ia.	Iowa	Okl.	Oklahoma
Id.	Idaho	Or.	Oregon
Ill.	Illinois	Pa.	Pennsylvania
Ind.	Indiana	R. I.	Rhode Island
Kan.	Kansas	S. C.	South Carolina
Ky.	Kentucky	S. D.	South Dakota
La.	Louisiana	Tenn.	Tennessee
Mass.	Massachusetts	Tex.	Texas
Md.	Maryland	U.	Utah
Me.	Maine	Va.	Virginia
Mich.	Michigan	Vt.	Vermont
Minn.	Minnesota	W. Va.	West Virginia
Miss.	Mississippi	Wash.	Washington
Mo.	Missouri	Wis.	Wisconsin
Mon.	Montana	Wy.	Wyoming

### Compilations of statutes

Ann. L.	Annotated laws	Crim. S.	Criminal statutes
Ann. S.	Annotated statutes	G. L.	General laws
C.	Code	G. S.	General statutes
C. C.	Civil code	P. C.	Political code
C. C. P.	Code of civil procedure	P. S.	Public statutes
C. L.	Compiled laws	Pen. C.	Penal code
C. P.	Code of procedure	R. C.	Revised code
C. S.	Compiled statutes	R. L.	Revised laws
Crim. C.	Criminal code	R. S.	Revised statutes
Crim. P.	Code of crim. procedure	S.	Statutes

### Acts Resolves

art.	article	pt	part
c. r.	concurrent resolution	r.	resolve
ch.	chapter	subdiv.	subdivision
j. r.	joint resolution	t.	title

### Law reports

A.	Atlantic Reporter	S. E.	Southeastern Reporter
N. E.	Northeastern Reporter	S. W.	Southwestern Reporter
N. W.	Northwestern Reporter	So.	Southern Reporter
P.	Pacific Reporter		



N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

STATISTICS OF LEGISLATION OCT. 1, 1903, TO OCT. 1, 1904

The sessions are biennial in all states and territories except Ga., Mass., N. J., N. Y., and S. C. where they are annual and Ala. where they are quadrennial. For list of constitutional amendments *see* 34-36; for list of court decisions declaring statutes unconstitutional *see* 12.

STATES AND TERRITORIES	DATES	Length in days	No. of laws	No. of resolutions	No. of laws and resolutions	No. laws resc. to summarize
Alabama .....	13 Ja 03-28 F 03	47	786	17	803	1
(adjourned)...	1 S 03- 3 O 03	33				
Georgia .....	22 Je 04-12 Ag 04	42	239	52	291	
Iowa .....	11 Ja 04-12 Ap 04	92	224	22	246	1
Kentucky .....	5 Ja 04-16 Mr 04	81	131	16	147	
Louisiana (extra)...	10 D 03-21 D 03	12	6	5	11	
	9 My 04- 7 Jl 04	60	175	25	200	1
Maryland .....	6 Ja 04- 4 Ap 04	89	658	7	665	1
Massachusetts .....	6 Ja 04- 9 Je 04	155	461	115	576	1
Mississippi .....	5 Ja 04-22 Mr 04	77	269	6	275	
Montana (extra) ..	1 D 03-11 D 03	11	7	.....	7	
New Jersey (extra)	15 O 03-19 O 03	5	2	.....	2	
	12 Ja 04-25 Mr 04	73	250	10	260	2
(extra) .....	12 Ap 04-12 Ap 04	1	4		4	
New York .....	6 Ja 04-15 Ap 04	100	760	6	766	2
Ohio .....	4 Ja 04-25 Ap 04	112	321	59	380	2
Oregon (extra) ..	21 D 03-23 D 03	3	22	6	28	
Rhode Island .....	5 Ja 04-13 Ap 04	99	103	86	189	
(extra) .....	13 S 04-13 S 04	1	.....	.....	.....	.....
South Carolina ...	12 Ja 04-20 F 04	40	186	258	211	
Virginia (adj'ned)	10 N 03-12 Ja 04	64	289	.....	289	1
	13 Ja 04-15 Mr 04	62	262	.....	262	1
W. Virginia (extra)	26 Jl 04-12 Ag 04	18	24	10	34	
					5 522	2 1

*a*In addition two laws were proposed by initiative petition and adopted by the people June 6, 1904.

*b*Met July 15, 1902, and adjourned July 28 till Nov. 12, 1902, again adjourned May 19, 1903, till Nov. 10, 1903, and finally adjourned Jan. 12, 1904.



## **PRINCIPAL HEADINGS**

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no.

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# **LAW (GENERAL)**

## **Statutes**

*See also 88, Special laws*

### **Preparation of statutes**

- a** **Ia.** Acts passed to amend, *modify* or repeal law to refer to law in title *and body of act*. Amending C. §41a. 1, 7 Mr 04

### **Time of taking effect**

- a** **O.** Repealing R. S. §77, which requires laws to take effect May 1 next after passage, unless date specifically stated. p.11, 5 F 04
- b** **Va.** Statutes to take effect *90 days after adjournment of Legislature* [formerly on July 1 succeeding passage], except general appropriation act, which takes effect from passage. Amending C. §4. 340 (ex. sess.), 3 D 03

### **Publication of session laws**

- a** **Va.** Amending C. §4 relating to publication of statutes: date when act becomes a law, with or without governor's approval, to be given, also date of adjournment of session. 4, 3 F 04

### **Publication in newspaper**

- a** **Md.** Amending C. art.76 §1 relative to publication of general laws in newspaper. 464, 12 Ap 04

### **Distribution**

- a** **N. Y.** County clerk to distribute session laws to local officers and boards. Amending legislative law '92 ch.682 §46 subdiv.2, 3. 172, 28 Mr 04

## **Revision and compilation**

- a** **Ala.** Legislature to elect commissioner to codify statutes; completion of code before Legislature of 1907; \$10,000. p.298, 30 S 03
- b** **Cal.** Submitting amendment to Const. 1879 art.4 by adding §24½: Legislature may revise and reenact, as a whole, any existing codes every 12 years. *Rejected November 1904.* p.742, 14 Mr 03
- c** **Ky.** Adopting Carroll's edition of Kentucky Statutes of 1903 as official edition. 4, 29 F 04
- d** **Md.** Adopting Poe's Code of Public General Laws, including laws of 1904, as official edition. 72, 15 Mr 04
- e** **Md.** Creating office of state reporter *and codifier*: as codifier to compile code of public general laws in 1910 and every 10 years thereafter and code of public local laws as needed; submission of codes to commission appointed by court; sale and distribution. Amending C. art.80. 327, 8 Ap 04



## LAW (GENERAL)

- f** **Miss.** Creating commission to codify laws: powers and appointment; ratification of code by special session of Legislature of 1906. 100, 19 Mr 04
- g** **N. J.** Governor to appoint 3 commissioners to compile general statutes: work to be known as Revised Statutes of New Jersey; distribution. 227, 30 Mr 04
- h** **N. Y.** Designating board of statutory consolidation; to appoint persons to consolidate laws; board to direct work and recommend changes specially as to simplifying procedure; annual report to Legislature and final report in 1907; \$32,500. 664, 9 My 04
- i** **Va.** Authorizing J. G. Pollard to publish general statutes annotated with decisions of Court of Appeals; proviso. 471 (ex. sess.), 18 D 03
- j** **Va.** Authorizing S. N. Hurst to publish revised edition of annotated pocket code. 530 (ex. sess.), 31 D 03

12 **Statutes declared unconstitutional**

COMPILED BY J. GARFIELD MOSES

By highest court of state or of United States. Entries under this head are also duplicated under the specific subject of the law declared unconstitutional.

- a** **Ark.** Misdemeanor to keep gambling devices or rent building for gambling; penalties; responsibility of city and town officials; penalty for granting immunity. 67, 27 Mr 01. *Unconstitutional*. Not passed by Legislature according to constitutional requirements. *Rogers v. State*, 82 S. W. 168 (1904).
- b** **Cal.** Regulating building and loan associations and creating State Board of Commissioners of Loan Associations to examine and inspect. 188, 23 Mr 93. *Unconstitutional* as to §19 fixing withdrawal value of shares. Subject not within title. *Provident Mut. Building Loan Ass'n v. Davis*, 76 P. 1034 (1904).
- c** **Cal.** Court may strike out answer of party on refusal to attend and give deposition. C. P. §1991. *Unconstitutional*. Restricts right to defend action. *Summerville v. Kelliher*, 77 P. 889 (1904).
- d** **Cal.** Misdemeanor for employment agent to retain fee if applicant fails to obtain employment; fee limited to 10% of 1st month's salary; registration. 11, 12 F 03. *Unconstitutional* as to limitation on fee. Restricts freedom of contract; not within police power. *Ex parte Dickey*, 77 P. 924 (1904).
- e** **Id.** Relating to state deposits and depositories: State Board of Deposits created. p.375, 4 Mr 03. *Unconstitutional*. Subject not fairly indicated in title. *State v. Coffin*, 74 P. 962 (1903).
- f** **Id.** Regulating appropriation and diversion of waters. p.223, 11 Mr 03. *Unconstitutional* as to §34, 35, 36 relating to actions to settle water rights. Deprives of property without due process of law. *Bear Lake County v. Budge*, 75 P. 614 (1904).



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- g** Id. Regulating licenses for peddlers, hawkers and solicitors. p.155, 16 Mr 01. *Unconstitutional* in so far as §8 excepts runners for wholesale houses taking orders from merchants only. Class legislation. In re Abel, 77 P. 621 (1904).
- h** Ill. General ferry regulations. R. S. '01 ch.55. *Unconstitutional* in so far as §1, penalizing unlicensed ferries, is applied to transportation of railroad cars between states. Interferes with interstate commerce. St Clair County v. Interstate S. & C. Co., 192 U. S. 454 (1904).
- i** Ill. General agricultural and sanitary drainage act. p.78, 27 Je 85. *Unconstitutional* as to §37 relative to payment for right of way and damages. Deprives of property without due process of law. Juvinal v. Jamesburg Drainage Dist., 68 N. E. 440 (1903).
- j** Ill. Extending right of condemnation to public mills and machinery other than gristmills, and providing regulations for conduct of such mills. p.563, 22 Mr 72. *Unconstitutional* in so far as authorizes taking of private property for such purposes. Private property not to be taken for other than public purposes. Gaylord v. Sanitary Dist. of Chicago, 68 N. E. 522 (1903).
- k** Ill. Forbidding employment of aliens on public works if paid wholly or in part from public funds. p.2, 1 Je 89. *Unconstitutional*. Impairs freedom of contract. City of Chicago v. Hulburt, 68 N. E. 786 (1903).
- m** Ill. Providing for registration of trade-marks; possession of receptacles bearing such marks prima facie evidence of unlawful possession. p.316, 11 My 01. *Unconstitutional*. Special and class legislation. Horwich v. Walker-Gordon Laboratory Co., 68 N. E. 938 (1903).
- n** Ill. Mining and manufacturing corporations not to keep general stores. p.212, 28 My 91. *Unconstitutional*. Interference with freedom of contract. Class legislation. Unequal protection of laws. Kelleyville Coal Co. v. Harrier, 69 N. E. 927 (1904).
- p** Ind. Amending '91 ch.15 establishing State Board of Health: local boards and regulations. 16, 7 F 99. *Unconstitutional*. Fails to set out in title full title of amended act. Hendershot v. State, 69 N. E. 679 (1904).
- q** Ind. Unlawful to prevent discharged employees from obtaining employment elsewhere. 166, 9 Mr 89. *Unconstitutional* as to §2 applying provisions of act to those voluntarily leaving employment. Subject-matter not within title. Wabash Ry. Co. v. Young, 69 N. E. 1003 (1904).
- r** Ind. Apportioning senators and representatives. 206, 9 Mr 03. *Unconstitutional*. Unequal and not according to population. Brooks v. State, 70 N. E. 980 (1904).



## LAW (GENERAL)

- Ind. Terms of judicial and county officers to begin Jan. 1 next succeeding election. 13, 11 F 03. *Unconstitutional*. Legislature can not postpone election of constitutional officers. *Gemmer v. State*, 71 N. E. 478 (1904).
- † Ia. Providing for assessment for drainage purposes. C. §1940. *Unconstitutional* so far as applied to nonabutting owners without notice. Deprives of property without process of law. *Beebe v. Magoun*, 97 N. W. 986 (1904).
- Ia. Providing for assessment of telephone and telegraph companies; Executive Council to deduct amount locally assessed and to assess remainder at average rate. C. §1330, 1331. *Unconstitutional*. Violates Const. art.8 §2 requiring corporate property to be taxed the same as that of individuals. *Layman v. Iowa Telephone Co.*, 99 N. W. 205 (1904).
- ▼ Ia. General drainage law. C. §1939-51. *Unconstitutional* in so far as it provides for assessment of nonabutting owners without notice. Deprives of property without due process of law. *Beebe v. Magoun*, 97 N. W. 986. Invalidity of §1946 invalidates whole drainage law, §1939-51. *Smith v. Peterson*, 99 N. W. 552 (1904).
- ▼ Kan. Providing for vacation of unimproved plots and exclusion from city. 267, 9 Mr 97. *Unconstitutional*. Attempts to confer legislative power on petitioners. *City of Hutchinson v. Limbach*, 74 P. 598 (1903).
- ▼ Kan. Allowing successful plaintiff in action on mechanics lien reasonable attorney's fee. G.S.'01§5125 *Unconstitutional*. Denies equal protection of laws. *Atkinson v. Woodmansee*, 74 P. 640 (1903).
- ▼ Kan. Relieving from all save actual damage newspaper publisher of libel in good faith, if retraction made. 249, 1 Mr 01. *Unconstitutional*. Violates Const., bill of rights §18 providing for remedy "by due course of law." *Hanson v. Krehbiel*, 75 P. 1041 (1904).
- ▼ Kan. Providing penalty for attempting to prevent employees from joining labor unions. 120, 18 F 97. *Unconstitutional*. Denies equal protection of laws; impairs freedom of contract; restricts liberty of citizen. *Coffeyville Vitriified Brick and Tile Co. v. Perry*, 76 P. 848 (1904).
- ▼ Kan. Providing for opening of private roads: procedure. G. S. '01 §6053-55. *Unconstitutional*. Takes private property for private use. *Clark v. Board of Commissioners*, 77 P. 284 (1904).
- ▼ Kan. Providing for indeterminate sentences to State Penitentiary. 375, 13 Mr 03. *Unconstitutional* as to one convicted before passage of act. Ex post facto legislation. *State v. Tyree*, 77 P. 290 (1904).



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- v8 **La.** Imposing license tax on dealers in pistols and pistol cartridges. 83, 9 J1 00. *Unconstitutional*. Violates Const. §229 requiring license imposed to be graduated. *State v. Rittenburg*, 36 S. 330 (1904).
- w **La.** Grading penalties for misdemeanors and minor offenses. 107, 7 J1 02. *Unconstitutional*. Includes felonious crime of larceny; embraces more than one subject; subject not included in title. *State v. Dalcourt*, 36 S. 479 (1904).
- w1 **Md.** Repealing C. '88 art.23 §143EI and amending §122, 128 as to powers of insurance commissioners. 338; 8 Ap 02. *Unconstitutional* as to §122b forbidding order or injunction save on complaint of commissioner. Subject not within title. *Kafla v. Wilkinson*, 57 A. 617 (1904).
- w2 **Minn.** Requiring plumbers in cities of 10,000 to be licensed by state board. 319, 23 Ap 97 as amended by 356, 13 Ap 01. *Unconstitutional*. Special legislation: exempts master plumbers and cities of 10,000 having sewerage system or waterworks. *State v. Justus*, 97 N. W. 124 (1903).
- w3 **Minn.** Cities under 10,000 having sold waterworks with right of purchase reserved may issue bonds to repurchase; proviso; regulations. 50, 11 Mr 03. *Unconstitutional*. Basis of classification arbitrary. Special legislation. *Thomas v. City of St Cloud*, 97 N. W. 125 (1903).
- w4 **Minn.** Providing bounty 1c a pound for sugar from beets and sorghum. 205, 16 Ap 95 as amended by 307, 20 Ap 99. *Unconstitutional*. Violates Const. art.9 §5, 10 as expenditure not for public purpose; lends state credit for private purposes. *Minnesota Sugar Co. v. Iverson*, 97 N. W. 454 (1903).
- w5 **Mo.** Requiring wages to be paid in lawful money, or orders bearing interest and payable in lawful money. p.206, 8 Ap 95. *Unconstitutional*. Deprives of property without due process of law; restricts freedom of contract. *State v. Missouri Tie & Timber Co.*, 80 S. W. 933 (1904).
- w6 **Mo.** Creating State Board of Mediation and Arbitration. p.195, 7 Mr 01; p.218, 28 Mr 03. *Unconstitutional* as to §5 authorizing board to apply to Circuit Court for punishment of witnesses for contempt. Circuit Court can not punish for contempt save to maintain its own authority; judicial powers can not be vested in board. *State v. Ryan*, 81 S. W. 435 (1904).
- w17 **Mon.** County commissioners to appoint in case of tie vote for county officers. P. C. §1171. *Unconstitutional* in so far as it relates to officers named in Const. art.16 §5 providing that such officers should hold for 2 years and till successors are elected or qualified. *State v. Acton*, 77 P. 299 (1904).



## LAW (GENERAL)

- w8** **Mon.** Prescribing qualifications for county superintendent of schools. P. C. §1744. *Unconstitutional* in so far as it requires teacher's certificate of highest county grade. Legislature can not prescribe for constitutional offices additional qualifications to those imposed by Constitution. *State v. Acton*, 77 P. 299 (1904).
- w9** **Neb.** Defining when tenant shall be deemed holding over his term. p.43, 25 F 75. *Unconstitutional*. Amendment not within subject of original section amended. *Preston v. Stover*, 97 N. W. 812 (1903).
- x** **Neb.** Providing mode of taxation of insurance companies. C. S. '01 §4319. *Unconstitutional* in so far as it exempts from taxation personal property of insurance companies; violates Const. art.9 §1 providing for levying of taxes by valuation, and uniformity of taxation. *State v. Insurance Co. of North America*, 99 N. W. 36 (1904).
- x1** **Neb.** Providing for summary forfeiture of property used for hunting by unlicensed hunter. C. S. '01 §3173b. *Unconstitutional* in so far as provides forfeiture without hearing; deprives of property without due process of law. *McConnell v. McKillip*, 99 N. W. 505 (1904).
- x2** **Neb.** Net receipts of insurance companies to be taxed in lieu of taxes other than on realty and under '73 ch.33 §32. C. S. '01 §4319. *Unconstitutional* in so far as it exempts companies from taxation on personalty. Not within constitutional exemptions. *State v. Insurance Co. of North America*, 100 N. W. 405 (1904).
- x3** **N. J.** Establishing general school system. 36, 26 Mr 02. *Unconstitutional*. Classification special: special legislation. *Ricio v. Mayor of Hoboken*, 55 A. 1109 (1903).
- x4** **N. Y.** Misdemeanor to deface, defy or place on merchandise for sale flag or standard of United States or New York state. 272, 24 Ap 03. *Unconstitutional* as applied to existing articles. Deprives of property without due process of law. *People v. Van de Carr*, 70 N. E. 965 (1904).
- x5** **N. C.** Fixing taxes to be paid by dealers in various commodities. 9, 15 Mr 01. *Unconstitutional* as to §52 imposing tax on sale of sewing machines in state. Interference with interstate commerce, as applied to sale of machines shipped into state C. O. D. *Norfolk & W. Ry. Co. v. Sims*, 191 U. S. 444 (1903).
- x6** **N. C.** Providing for ipso facto forfeiture of swamp lands granted by state on arrearage of taxes. 243, 2 Mr 89. *Unconstitutional*. Deprives of property without due process of law. *Parish v. East Coast Cedar Co.*, 45 S. E. 768 (1903).
- x7** **N. C.** Amending C. §3122 defining practice of medicine and surgery: applicants of other than regular school to be examined only on subjects taught in own college; proviso; osteopaths to be admit-



- ted as regular practitioners. 697, 9 Mr 03. *Unconstitutional*. Not within police power; deprives patient of choice; fosters monopolies. *State v. Biggs*, 46 S. E. 401 (1903).
- x8** **N. C.** Imposing license tax on itinerant vendor of stoves within state. 247 §36, 9 Mr 03. *Unconstitutional* as applied to sale by sample of goods manufactured without state, shipped into state and delivered in original packages. Restriction on interstate commerce. *Wrought Iron Range Co. v. Campen*, 47 S. E. 658 (1904).
- y** **N. D.** Providing for special administrator in cases where death of owner of estate is not satisfactorily proved, but whose disappearance affords reasonable grounds for believing him dead. R. C. §6325 subdiv.2. *Unconstitutional* in so far as it affects property of living persons. Deprives of property without due process of law. *Clapp v. Hough*, 98 N. W. 710 (1904).
- y1** **O.** Regulating sale of merchandise in bulk: inventory; notice to creditors; penalties. p.96, 4 Ap 02. *Unconstitutional*. Restricts property rights; class legislation. *Miller v. Crawford*, 71 N. E. 631 (1904).
- y2** **Pa.** Borough may provide water supply by building and operating works or by contract with private corporations. 113, 3 My 01. *Unconstitutional* in so far as it impairs existing contracts. *Potter County Water Co. v. Borough of Austin*, 55 A. 991 (1903).
- y3** **S. C.** Providing for punishment of abortion. 354, 24 D 83. *Unconstitutional* as to §2 which provides punishment for persons advising commission of abortion. Subject not within title. *State v. Fields*, 46 S. E. 771 (1904).
- y4** **S. D.** Receipt of taxes for any year not to be issued till all prior taxes paid. 150, 30 Ja 90. *Unconstitutional* as to §3 making receipt conclusive evidence of payment. Deprives county of property without process of law. *Harris v. Stearns*, 97 N. W. 361 (1903).
- y5** **Tenn.** General revenue act. 1, 29 Mr 87. *Unconstitutional* as to §5 imposing car tax on sleeping car companies. Regulation of interstate commerce. *Allen v. Pullman Co.*, 191 U. S. 171 (1903).
- y6** **Tenn.** General law providing for assessment and collection of taxes. 257, 16 Ap 03. *Unconstitutional* as to provision rendering street car and railroad companies, leasing or selling advertising privileges, liable for tax imposed on such advertising. Deprives of property without due process of law. *Knoxville Traction Co. v. McMillan*, 77 S. W. 665 (1903).
- y7** **Tenn.** Providing for removal of county seats. 103, 24 Mr 73. *Unconstitutional* as to §6 providing for removal on vote equal to two thirds vote in next preceding gubernatorial election. Constitution requires concurrence of two thirds qualified voters of county. *Lindsay v. Allen*, 82 S. W. 171 (1904).



**U.** Regulating sale of merchandise in bulk: inventory; 5 days' notice to creditors; penalties. 67, 14 Mr 01. *Unconstitutional*. Impairs freedom of contract; deprives of property without due process of law; class legislation. *Block v. Schwartz*, 76 P. 22 (1904).

**U.** Amending tax law as to railroads and mines and as to duties of State Board of Equalization. 68, 9 Mr 99. *Unconstitutional* in so far as it empowers state board to assess railroads wholly within one county. Deprives of local self-government. *State v. Eldridge*, 76 P. 337 (1904).

**Vt.** Penalizing use of trading stamps. 123, 26 N 98. *Unconstitutional*. Violates United States Const. 14th amendment. Abridges privileges and immunities of citizenship. Deprives of property without due process of law. *State v. Dodge*, 56 A. 983 (1904).

**Wash.** Amending tax law. 141, 6 Mr 99. *Unconstitutional* as to §12, proviso relating to certain deduction to itinerant merchants paying tax in previous year. Grants special privileges and immunities; taxes must not be commuted. *Nathan v. Spokane County*, 76 P. 521 (1904).

**W. Va.** Requiring oleomargarin to be colored pink. 8, 16 F 91. *Unconstitutional*. Regulation of interstate commerce. *State v. Bruce*, 47 S. E. 146 (1904).

**Wis.** Exempting certain classes of peddlers from license tax. S. '98 §1570, as amended by 341, 8 My 01. *Unconstitutional*. Denies equal protection of law; unequal system of taxation. *State v. Whitcom*, 99 N. W. 468 (1904).

## CONSTITUTIONAL LAW

This and 750, Administrative law, make up what is commonly known as the Political Code.

### Capital

**S. D.** Submitting amendment to Const. 1889 art.20 §1, 2: permanent seat of government to be located at Mitchell. *Rejected November 1904.* 98, '03

### Boundary. Jurisdiction

#### Cessions to United States

**Ala.** Ceding to United States jurisdiction over lands purchased for sites of public buildings. p.43, 9 F 03

**Md.** Ceding jurisdiction of state land required for public purposes to United States; exception. 357, 7 Ap 04

**S. C.** Amending C. C. §7 relating to procedure by which the United States may acquire land for *public uses* [formerly lighthouse purposes]. 202, 16 F 04

**S. C.** Ceding to the United States jurisdiction over certain lands. 273, 25 F 04



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**Statistics**

*See also 938, Vital statistics*

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**Bureaus of statistics**

*See also 2041, Labor*

- a Ia. Bureau of Labor Statistics to cooperate with United States Census Bureau in collecting statistics of manufacture.

p.209, 7 Mr 04

21

**Census**

*See also 2274, School census*

- a Ia. Amending C. t.2 ch.8 relative to state census: Executive Council to prescribe blank forms for assessors; returns to include statistics on population *and agriculture*; cooperation with United States Census Bureau. 8, 13 Ap 04
- b Mass. General law providing for taking decennial census. Repealing '94 ch.224. 423, 4 Je 04
- c Miss. Submitting amendment to Const. 1890 by repealing §105 which required Legislature to take decennial state census. *Adopted November 1904 but not inserted in Constitution by resolution of Legislature.* 171, 8 Mr 04
- d Va. Regulating enumeration of city population: procedure. 483 (ex. sess.), 22 D 03

22

**State coat of arms, name, seal, flag, flower, song**

24 **Flag**

- a Md. Adoption and description of state flag. 48, 9 Mr 04

25

**Flower**

- a O. Adopting scarlet carnation as state flower. p.631, 3 F 04

27

**Seal and arms**

- a Va. Amending C. §32 as to devices on seal of commonwealth. 353 (ex.sess.), 8 D 03

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**Constitutions**

BY HELEN PAGE BATES PH.D.

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**Revision**

- a Ct. Referring to Legislature of 1905 constitutional amendment in form of a revision of Constitution. 14p. p.208, 2 Je 03
- b Id. Submitting question whether constitutional convention shall be called to revise Constitution. *Not properly adopted by Legislature so not submitted to people.* p.456, 4 Mr 03
- c Mich. Submitting to voters question of calling convention to revise Constitution; regulations. *Adopted November 1904.* 32, 16 Ap 03
- d Neb. Submitting to electors question of constitutional convention to revise Constitution. *Adopted November 1904.* 165, 9 Ap 03



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**Amendment**

- a** **Mass.** Referring to Legislature of 1904 constitutional amendment to Const. 1780 by adding article: any constitutional amendment proposed by 50,000 voters, not over 25,000 from 1 county, approved by 15 senators and majority of representatives, shall be submitted to people at next state election; if approved by majority of voters to be resubmitted to people at next state election; if approved by two thirds vote to become part of Constitution; rejected amendment may not be proposed again for 3 years. *Not repassed in 1904.* p.583, 5 Je 03

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**Amendments pending**

Amendments acted on during current year are duplicated under the special subjects to which they pertain. This list includes all pending amendments whether acted on during the current or previous years.

- a** **Ct.** Referring to Legislature of 1905 constitutional amendment: governor or Legislature may not appoint during session any member to remunerative office; United States senator and notary public excepted. p.207, 20 My 03
- b** **Ct.** Referring to Legislature of 1905 constitutional amendment: towns may hold annual or biennial elections. p.207, 20 My 03
- c** **Ct.** Referring to Legislature of 1905 amendment to Const. 1818 by adding article: voting machines may be used in elections; regulations. p.207, 20 My 03
- d** **Ct.** Referring to Legislature of 1905 constitutional amendment in form of a revision of Constitution. 14p. p.208, 2 Je 03
- f** **Ia.** Referring to Legislature of 1906 amendment to Const. 1857 art.1 by adding §18: Legislature may regulate construction of drains across private lands, provide for organization of drainage districts, and maintenance of drains, and define procedure. p.210, 9 Ap 04
- g** **Ky.** Submitting amendment to Const. 1891 §147: elections by people to be *viva voce* [formerly by secret official ballot]; election officers to make public record according to direction of voter. *Vote November 1905.* 30, 14 Je 04
- h** **Miss.** Submitting amendment to Const. 1890 by repealing §105 which required Legislature to take decennial state census. *Adopted November 1904 but not inserted in Constitution by resolution of Legislature.* 171, 8 Mr 04
- i** **Nev.** Referring to Legislature of 1905 amendment to Const. 1864 art.15 §13 relating to legislative apportionment: each county to have at least one senator and one assemblyman; enumeration. p.230, 10 Mr 03



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- j Nev. Referring to Legislature of 1905 amendment to Const. 1864 art.4 §1: provision for initiative on petition of 10% of voters of state, and referendum on petition of 7% of voters. or by act of Legislature. p.231, 12 Mr 03
- k Nev. Referring to Legislature of 1905 amendment to Const. 1864 adding article: state may furnish public utilities; debt contracted, not to exceed 10% of taxable property; provision for referendum. p.232, 12 Mr 03
- m Nev. Referring to Legislature of 1905 amendment to Const. 1864 art.10 §1: proceeds only of *unpatented* mines and mining claims to be taxed; patented mines to be assessed at \$500 or more; exception. p.240, 20 Mr 03
- p N. Y. Submitting amendment to Const. 1894 art.7 by adding §11: Legislature may pay from funds in treasury sinking fund charges, interest and principal of debts heretofore or hereafter created; if other funds suffice, no direct annual tax need be imposed. *Vote November 1905.* p.1451, 22 Ap 03
- q N. Y. Submitting amendment to Const. 1894 art.6 by adding section: Legislature may increase justices in any judicial district but number may not exceed 1 justice for each 60,000 or fraction over 35,000; 1st and 2d districts excepted. *Vote November 1905.* p.1452, 22 Ap 03
- r N. Y. Submitting amendment to Const. 1894 art.12 §1: Legislature may regulate wages, hours and conditions of labor of employees of state or any civil division and on all public contracts. *Vote November 1905.* p.1453, 22 Ap 03
- s N. Y. Referring to Legislature of 1905 amendment to Const. 1894 art.7 §4 relating to creation and payment of state debts: direct annual tax to be levied to pay annual interest charge, and principal within 50 [formerly 18] years from date of contraction. p.1454, 22 Ap 03
- s1 N. Y. Referring to Legislature of 1905 amendment to Const. 1894 art.7 by adding §12: Legislature may contract debts for improvement of highways, limited to \$50,000,000; counties to pay not more than 35%, or towns 15% of cost of highway. p.1454, 2 Ap 03
- s2 N. Y. Submitting amendment to Const. 1894 art.8 §10: debts of New York city for water supply excepted from constitutional limit of city indebtedness. *Vote November 1905.* p.1456, 23 Ap 03
- s3 N. Y. Referring to next Legislature amendment to Const. 1894 art.6 §2 as amended in 1899, relating to justices of appellate division of Supreme Court: when not acting as appellate justice may hold term of Supreme Court in any county or judicial district in any other department of state. p.1931, 6 Ap 04



## CONSTITUTIONAL LAW CONSTITUTIONS

- 84 **N. Y.** Referring to next Legislature amendment to Const. 1894 art.6 §6: Court of Appeals may authorize appointment of trial commissioners in counties of 500,000, their necessity being certified to by appellate division of Supreme Court of the county; term 6 years; salary \$12,000; powers. p.1933, 8 Ap 04
- 85 **N. Y.** Referring to next Legislature amendment to Const. 1894 art.7 §7 relating to forest preserve: Legislature may authorize removal of dead timber for reforestation; also sale of lands outside Adirondack park and Catskill park; proceeds to be used for purchase of lands within parks; regulations. p.1934, 9 Ap 04
- 86 **N. Y.** Referring to next Legislature amendment to Const. 1894 art.2 §1 as to residence qualifications in a city comprising more than 1 county. p.1935, 14 Ap 04
- 87 **N. Y.** Referring to next Legislature amendment to Const. 1894 art.6 §1, 7 as amended in 1899: Legislature may increase number of justices of Supreme Court, and judges of Court of Appeals not to exceed 11, on two thirds vote of members of each house; divisions of latter; quorum; concurrence. p.1936, 14 Ap 04
- 88 **N. Y.** Referring to next Legislature amendment to Const. 1894 art.6 §6 by adding article: justices of appellate division of department in which Supreme Court commissioners have been appointed may designate additional commissioners and may revoke designation. p.1938, 15 Ap 04
- t **N. D.** Referring to Legislature of 1905 amendment to Const. 1889 §162: school funds may be invested in county, township or municipal bonds. p.294, 24 F 03
- ti **O.** Submitting amendment to Const. 1851 by adding art.17: elections of state and county officers to be held Tuesday after 1st Monday in November in even years, of other elective officers, in odd years; Legislature to fix even year terms of administrative and judicial officers within certain limits. *Vote November 1905.* p.640, 18 Mr 04
- t2 **O.** Submitting amendment to Const. 1851 art.12 §2: state, local government and school bonds to be exempt from taxation. *Vote November 1905.* p.652, 25 Ap 04
- t3 **Or.** Referring to Legislature of 1903 amendment to Const. 1857 art.11 §2: general laws to be passed for incorporation of cities; cities may frame and adopt charters without submission to Legislature. *Repassed in 1903 but no provision for submission.* p.471, 15 F 01
- t4 **Or.** Referring to Legislature of 1903 amendment to Const. 1857 art.1 §3 which prohibited negroes from residing in state. *Repassed in 1903 but no provision for submission.* p.479, 12 F 01
- t5 **Or.** Referring to Legislature of 1905 amendment to Const. 1857 art.2 by adding section: right of suffrage to be extended to women. p.37, '03



- t6 R. I. Referring to Legislature of 1905 amendment to Const. 1842 art.5 §1: House of Representatives to consist of 100 [formerly limited to 72] members; Legislature *to* [formerly may] reapportion representation after every United States [formerly or state] census *and divide each city and town into representative districts*; no town or city to have more than *one fourth* [formerly one sixth] of whole number of members. r.1, 13 Ap 04
- t7 S. C. Referring to Legislature of 1905 amendment to Const. 1895 art.3 §9: sessions of Legislature after 1906 to be held *biennially* [formerly annually]. 383, 11 F 04
- t8 S. C. Referring to Legislature of 1905 amendment to Const. 1895 by adding article of amendment: Legislature may pass local and special laws relative to construction and working of roads and highways, also relative to drainage. 384, 18 F 04
- u S. C. Referring to Legislature of 1905 amendment to Const. 1895 art.8 §7 amended in 1901, relating to municipal bonded indebtedness: city of Greenville may increase indebtedness to 15% for street improvement or sewerage or purchase of water or electric light plants. 385, 18 F 04
- ur Wis. Referring to Legislature of 1905 amendment to Const. 1848 art.8 §1: Legislature may provide for graduated income tax. p.776, 03

## Amendments adopted

The entries under this head are duplicated under the special subjects to which they pertain.

- a Ark. Submitting amendment to Const. 1874 art.16 §1: state or local division may not loan credit; regulating issue of local government bonds; cities over 2500 excepted. *Adopted November 1904.* p.484, 8 Ap 03
- b Cal. Submitting amendment to Const. 1879 art.9 by adding §12: property of California Academy of Sciences exempt from taxation. *Adopted November 1904.* p.598, 6 F 03
- c Cal. Submitting amendment to Const. 1879 art.13, by adding §10½: personal property of every householder to \$100 exempt from taxation. *Adopted November 1904.* p.682, 26 F 03
- d Cal. Submitting amendments to Const. 1879 art.6, relating to judiciary: division of state into 3 judicial districts, each presided over by District Court of Appeals, consisting of 3 justices; to have appellate jurisdiction over certain cases formerly under jurisdiction of Supreme Court; cases pending before Supreme Court may be transferred to District Court of Appeals; election of justices; qualifications; salaries; Supreme Court Commission abolished. *Adopted November 1904.* p.737, 14 Mr 03



CONSTITUTIONAL LAW CONSTITUTIONS

- e Col. Submitting amendment to Const. 1876 art.6 §5-8 relative to Supreme Court: election, term and number of judges; departments. *Adopted November 1904.* 73, 6 Ap 03
- f Col. Submitting amendment to Const. 1876 art.10 §3 relating to exemptions from taxation: repealing provision relating to special assessments; exemption of personal property. *Adopted November 1904.* 74, 8 Ap 03
- g Fla. Submitting amendment to Const. 1885 art.12 §8: counties to levy annual school tax of 3 to 7 [formerly 5] mills. *Adopted November 1904.* p.637, 13 My 03
- h Ga. Submitting amendment to Const. 1877 art.7 §1 by adding ¶2: Legislature may levy annual ad valorem tax on property not to exceed 5 mills on \$1. *Adopted October 1904.* p.21, 17 Ag 03
- i Ga. Submitting amendment to Const. 1877 art.8 §4 ¶1: counties [formerly on recommendation of 2 grand juries], militia districts, school districts and municipal corporations may maintain public schools by local taxation, on two thirds vote [formerly of qualified voters] of persons voting at special election. *Adopted October 1904.* p.23, 17 Ag 03
- j Ga. Submitting amendment to Const. 1877 art.11 §1 ¶2: counties limited to 145 [formerly formation of new counties prohibited]. *Adopted October 1904.* p.47, 19 Jl 04
- k Ga. Submitting amendment to Const. 1877 art.3 §3: number of representatives limited to 183 [formerly 175]; reapportionment. *Adopted October 1904.* p.48, 27 Jl 04
- m Ill. Amending Const. 1870 art.4 by adding §34: Legislature may pass special laws for reorganization of Chicago government, subject to approval by vote of people. *Adopted November 1904.* p.358, 22 Ap 03
- n Ia. Submitting amendment to Const. 1857 art.12 by adding §16: general elections to be held in November 1906 and biennially thereafter; Legislature to meet in January 1907 and biennially thereafter [Legislature now meets in even years and a general election is held annually]. *Adopted November 1904.* p.207, 7 Mr 04
- p Ia. Submitting amendment to Const. 1857 art.3 §34-36: Senate to consist of 50 [formerly limited to 50] members; Assembly limited to 108 [formerly 100] representatives; reapportionment of representation. *Adopted November 1904.* p.208, 9 Ap 04
- q Kan. Submitting amendment to Const. 1859 art.2 §14: governor may veto items of appropriation bill. *Adopted November 1904.* 545, 21 F 03
- r La. Submitting amendment to Const. 1898 art.255 relating to Louisiana State University and Agricultural and Mechanical College: repealing provision limiting annual appropriation for maintenance to \$15,000. *Adopted November 1904.* 12, 17 Je 04



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- t6 R. I. Referring to Legislature of 1905 amendment to Const. 1842 art.5 §1: House of Representatives to consist of 100 [formerly limited to 72] members; Legislature to [formerly may] reapportion representation after every United States [formerly or state] census and divide each city and town into representative districts; no town or city to have more than one fourth [formerly one sixth] of whole number of members. r.1, 13 Ap 04
- t7 S. C. Referring to Legislature of 1905 amendment to Const. 1895 art.3 §9: sessions of Legislature after 1906 to be held biennially [formerly annually]. 383, 11 F 04
- t8 S. C. Referring to Legislature of 1905 amendment to Const. 1895 by adding article of amendment: Legislature may pass local and special laws relative to construction and working of roads and highways, also relative to drainage. 384, 18 F 04
- u S. C. Referring to Legislature of 1905 amendment to Const. 1895 art.8 §7 amended in 1901, relating to municipal bonded indebtedness: city of Greenville may increase indebtedness to 15% for street improvement or sewerage or purchase of water or electric light plants. 385, 18 F 04
- ur Wis. Referring to Legislature of 1905 amendment to Const. 1848 art.8 §1: Legislature may provide for graduated income tax. p.776, 03

Amendments adopted

The entries under this head are duplicated under the special subjects to which they pertain.

- a Ark. Submitting amendment to Const. 1874 art.16 §1: state or local division may not loan credit; regulating issue of local government bonds; cities over 2500 excepted. *Adopted November 1904.* p.484, 8 Ap 03
- b Cal. Submitting amendment to Const. 1879 art.9 by adding §12: property of California Academy of Sciences exempt from taxation. *Adopted November 1904.* p.598, 6 F 03
- c Cal. Submitting amendment to Const. 1879 art.13, by adding §101: personal property of every householder to \$100 exempt from taxation. *Adopted November 1904.* p.682, 26 F 03
- d Cal. Submitting amendments to Const. 1879 art.6, relating to judiciary: division of state into 3 judicial districts, each presided over by District Court of Appeals, consisting of 3 justices; to have appellate jurisdiction over certain cases formerly under jurisdiction of Supreme Court; cases pending before Supreme Court may be transferred to District Court of Appeals; election of justices; qualifications; salaries; Supreme Court Commission abolished. *Adopted November 1904.* p.737, 14 Mr 01



CONSTITUTIONAL LAW CONSTITUTIONS

- e Col. Submitting amendment to Const. 1876 art.6 §5-8 relative to Supreme Court: election, term and number of judges; departments. *Adopted November 1904.* 73, 6 Ap 03
- f Col. Submitting amendment to Const. 1876 art.10 §3 relating to exemptions from taxation: repealing provision relating to special assessments; exemption of personal property. *Adopted November 1904.* 74, 8 Ap 03
- g Fla. Submitting amendment to Const. 1885 art.12 §8: counties to levy annual school tax of 3 to 7 [formerly 5] mills. *Adopted November 1904.* p.637, 13 My 03
- h Ga. Submitting amendment to Const. 1877 art.7 §1 by adding ¶2: Legislature may levy annual ad valorem tax on property not to exceed 5 mills on \$1. *Adopted October 1904.* p.21, 17 Ag 03
- i Ga. Submitting amendment to Const. 1877 art.8 §4 ¶1: counties [formerly on recommendation of 2 grand juries], militia districts, school districts and municipal corporations may maintain public schools by local taxation, on two thirds vote [formerly of qualified voters] of persons voting at special election. *Adopted October 1904.* p.23, 17 Ag 03
- j Ga. Submitting amendment to Const. 1877 art.11 §1 ¶2: counties limited to 145 [formerly formation of new counties prohibited]. *Adopted October 1904.* p.47, 19 Jl 04
- k Ga. Submitting amendment to Const. 1877 art.3 §3: number of representatives limited to 183 [formerly 175]; reapportionment. *Adopted October 1904.* p.48, 27 Jl 04
- n Ill. Amending Const. 1870 art.4 by adding §34: Legislature may pass special laws for reorganization of Chicago government, subject to approval by vote of people. *Adopted November 1904.* p.358, 22 Ap 03
- n Ia. Submitting amendment to Const. 1857 art.12 by adding §16: general elections to be held in November 1906 and biennially thereafter; Legislature to meet in January 1907 and biennially thereafter [Legislature now meets in even years and a general election is held annually]. *Adopted November 1904.* p.207, 7 Mr 04
- p Ia. Submitting amendment to Const. 1857 art.3 §34-36: Senate to consist of 50 [formerly limited to 50] members; Assembly limited to 108 [formerly 100] representatives; reapportionment of representation. *Adopted November 1904.* p.208, 9 Ap 04
- q Kan. Submitting amendment to Const. 1859 art.2 §14: governor may veto items of appropriation bill. *Adopted November 1904.* 545, 21 F 03
- r La. Submitting amendment to Const. 1898 art.255 relating to Louisiana State University and Agricultural and Mechanical College: repealing provision limiting annual appropriation for maintenance to \$15,000. *Adopted November 1904.* 12, 17 Je 04



## Amendments adopted

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- s La. Submitting amendment to Const. 1898 art.230: railroads constructed and completed *between Jan. 1, 1905 and Jan. 1, 1909* [formerly prior to 1904] to be exempt from taxation for 10 years. *Adopted November 1904.* 16, 17 Je 04
- t La. Submitting amendment to Const. 1898 art.303 subdiv.3 amended in 1900: total annual appropriation for pensions may vary from \$75,000 to \$150,000 [formerly \$50,000 to \$75,000]. *Adopted November 1904.* 112, 4 Jl 04
- u La. Submitting amendment to Const. 1898 art.86-88, 95: justices of Supreme Court to be *elected* [formerly appointed by governor with consent of Senate]. *Adopted November 1904.* 137, 6 Jl 04
- v La. Submitting amendment to Const. 1898 art.119: vacancies in office of sheriff, and ex officio collector of state and parish taxes to be filled by special election, if unexpired portion of term exceed 1 year, or by governor if less than year. *Adopted November 1904.* 138, 6 Jl 04
- w La. Submitting amendment to Const. 1898 art.124: vacancies in office of clerk of District Court to be filled by special election if unexpired portion of term exceed 1 year, or by governor if less than year. *Adopted November 1904.* 139, 6 Jl 04
- w1 La. Submitting amendment to Const. 1898 art.125: vacancies in office of district attorney to be filled by election if unexpired portion of term exceed 1 year, or by governor if less than year. *Adopted November 1904.* 140, 6 Jl 04
- w2 La. Submitting amendment to Const. 1898 art.109: vacancies in office of judge of District Court to be filled by special election if unexpired portion of term exceed 1 year or if less than year, by governor with consent of Senate. *Adopted November 1904.* 141, 6 Jl 04
- w3 La. Submitting amendment to Const. 1898 art.281: municipal council may create 1 or more sewerage districts within corporate limits; sewerage districts on majority vote of property taxpayers may levy special tax not exceeding 5 mills on \$1 of assessed valuation of property of district; exception; bond issue. *Adopted November 1904.* 186, 7 Jl 04
- w4 Mich. Submitting amendment to Const. 1850 art.4 by repealing §28 limiting introduction of new bills to first 50 days of session. *Adopted November 1904.* p.427, '03
- w5 Minn. Submitting amendment to Const. 1857 art.8 §6: permanent school and university funds may be invested in indebtedness of localities unless bonds purchased make bonded indebtedness exceed 15% [formerly 7%] of assessed valuation. *Adopted November 1904.* 25, 3 Mr 04
- w6 Minn. Submitting amendment to Const. 1857 art.1 §7: no person may be held to answer for criminal offense without due process-



of law [formerly, unless indicted by grand jury, except in cases of impeachment, cases cognizable before justices of peace, or arising in army or navy or in militia in active service]. *Adopted November 1904.* 269, 18 Ap 03

17 **Miss.** Amending Const. 1890 §206: division into county and state common school funds; county fund, consisting of poll tax, to be retained in counties where collected; *state* [formerly entire] fund to be apportioned among counties and school districts proportionally to children of school age. *Adopted November 1900; ratified by Legislature of 1904.* 201, 6 Mr 00

8 **Miss.** Amending Const. 1890 §256: Legislature may reapportion senators and representatives at 1st session after *federal* census of 1900 [formerly state census of 1895] and every 10 years thereafter. *Adopted November 1900; ratified by Legislature of 1904.* 202, 8 Mr 00

1 **Mon.** Amending Const. 1889 art.18 by adding §3, 5: children under 16 not to be employed in mines. *Adopted November 1904.* 49, 3 Mr 03; 4 (2d ex. sess.), 10 D 03

1 **Mon.** Amending Const. 1889 art.18 by adding §4, 5: establishing 8 hour day for state, county or municipal public work. *Adopted November 1904.* 49, 3 Mr 03; 4 (2d ex. sess.), 10 D 03

1 **N. D.** Submitting amendment to Const. 1889 §176: Legislature may tax grain in storage. *Adopted November 1904.* p.293, 2 Mr 03

3 **N. D.** Submitting amendment to Const. 1889 §215 subdiv.8: Institution for Feeble-minded to be removed from Jamestown to Grafton. *Adopted November 1904.* p.294, 5 Mr 03

4 **N. D.** Submitting amendment to Const. 1889, §215 subdiv.5: changing name of Deaf and Dumb Asylum to School for Deaf and Dumb of North Dakota. *Adopted November 1904.* p.295, 2 Mr 03

5 **Or.** Submitting amendment to Const. 1857 art.12 §1: Legislature to provide for election of state printer; [formerly elected by people]. *Adopted June 1904.* p.168, 24 F 03

16 **S. D.** Submitting amendment to Const. 1889 art.8 §11: school funds may be invested in county, township or city bonds; no loan to exceed \$5000 or *one third* [formerly one half] valuation of land covered by mortgage; interest charge, not less than 5%, to be fixed by Legislature. *Adopted November 1904.* 99, '03

**Tex.** Submitting amendment to Const. 1875 art.3 §52: Legislature may authorize political subdivisions of state to issue bonds not to exceed one fourth assessed valuation of real estate for construction of roads, irrigation works and improvement of streams; proviso. *Adopted November 1904.* p.246, 1 Ap 03

**Tex.** Submitting amendment to Const. 1875 art.3 §51: annual appropriation for pensions limited to \$500,000 [formerly \$250,000];



widows of confederate veterans married prior to 1880 [formerly 1866] and not remarried, to receive pension, *Adopted November 1904.*

p.248, 1 Ap 03

- 22 **Tex.** Submitting amendment to Const. 1875 art.16 §16: Legislature may authorize incorporation of banking corporations; shareholders to be liable to amount equal to par value of shares in addition to shares; capital stock to be paid in in full; corporations may do business in only one place; foreign corporations, excepting national banks, may not do business in state. *Adopted November 1904.*

p.249, 1 Ap 03

- 23 **Wash.** Submitting amendment to Const. 1889 art.1 §11: Legislature may appoint chaplains for state penal and reformatory institutions. *Adopted November 1904.*

147, 16 Mr 03

## Amendments rejected

The entries under this head are duplicated under the special subjects to which they pertain.

- a **Ark.** Submitting amendment to Const. 1874 art.7 §3: Supreme Court to consist of chief justice and 5 [formerly 4] associate justices; court to sit in 2 divisions; transfer of causes from division to court. *Rejected November 1904.* p.482, 10 Mr 03
- b **Cal.** Submitting amendment to Const. 1879 art.13, by adding §11: ships or shipping engaged in foreign or domestic navigation or in fisheries exempt from taxation. *Rejected November 1904.* p.734, 6 Mr 03
- c **Cal.** Submitting amendment to Const. 1879 art.4 §2, 23: session of Legislature to begin Monday after 1st day of *February* [formerly January]; pay limited to 80 [formerly 60] days; bills to be introduced during 1st 60 [formerly 50] days of session, except on two thirds vote. *Rejected November 1904.* p.736, 13 Mr 03
- d **Cal.** Submitting amendment to Const. 1879 art.4 by adding §24: Legislature may revise, and reenact as a whole, any of existing codes, every 12 years. *Rejected November 1904.* p.742, 14 Mr 03
- e **Fla.** Submitting amendment to Const. 1885 art.8 §6: term of county assessor, collector and treasurer to be 4 years after 1906. *Rejected November 1904.* p.636, 30 Ap 03
- f **Fla.** Submitting amendment to Const. 1885 art.5 §18: judge of county courts to be attorney at law. *Rejected November 1904.* p.637, '03
- g **Fla.** Submitting amendment to Const. 1885 art.9 §10: Legislature may authorize municipal corporations to exempt manufacturing enterprises from taxation, not exceeding 15 years. *Rejected November 1904.* p.638, '03



## CONSTITUTIONAL LAW CONSTITUTIONS

- h Fla.** Submitting amendment to Const. 1885 art.16 §6: *opinions* [formerly decision] of Supreme Court to be filed before judgment takes effect. *Rejected November 1904.* p.639, '03
- i Fla.** Submitting amendments to Const. 1885 art.5 §1, 5, 11, 24-29, 31-32: Legislature on petition of majority of voters of county to establish County Court of Record, replacing previous County Court and Criminal Courts; appointment of judge and prosecuting attorney; jurisdiction; abolition of court; procedure. *Rejected November 1904.* p.639, '03
- j Fla.** Amending Const. 1885 art.3 §20, 24 prohibiting Legislature from passing special or local laws; exceptions; Legislature to divide municipalities into 4 classes and provide uniform government for each class. Repealing art.8 §8. *Rejected November 1904.* p.643, '03
- k Id.** Submitting amendment to Const. 1889 art.6 §5: inmates of soldiers homes to vote in county where home is situated. *Not properly adopted by Legislature, so not submitted to people.* p.449, 11 F 03
- m Id.** Submitting amendment to Const. 1889 art.18 §10: term of county commissioners to be 4 [formerly 2] years; biennial elections. *Rejected November 1904.* p.450, 28 F 03
- n Id.** Submitting amendment to Const. 1889 art.18 §4: new counties may not be established except by vote of majority of electors in territory proposed to be included. *Not properly adopted by Legislature, so not submitted to people.* p.455, 7 Mr 03
- p La.** Submitting amendment to Const. 1898 art.256: repealing provision limiting annual appropriation for maintenance of Louisiana Industrial Institute to \$15,000. *Rejected November 1904.* 18, 17 Je 04
- q La.** Submitting amendment to Const. 1898 art.109 relating to District Courts: additional judge to be elected in 1st judicial district; repealing provisions pertaining to 1st election of district judges under Constitution of 1898. *Rejected November 1904.* 29, 21 Je 04
- r La.** Submitting amendment to Const. 1898 art.46: Legislature elected in April 1904 authorized to issue \$1,000,000 of 3% 25 year bonds for educational purposes; exemption from taxation. *Rejected November 1904.* 33, 23 Je 04
- s La.** Submitting amendment to Const. 1898 art.249: salary of superintendent of public education, \$3000 [formerly \$2000]. *Rejected November 1904.* 123, 6 Jl 04
- t La.** Submitting amendment to Const. 1898 art.98-100, 106, 131 relating to Courts of Appeal: division of state into 2 circuits and of circuits into 3 districts each; election of judges of districts for term



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of 8 years; vacancies; sessions of Courts of Appeals; jurisdiction. Repealing art.105. *Rejected November 1904.* 132, 6 J1 04

u **La.** Submitting amendment to Const. 1898 art.97: salary of attorney general, \$5000 [formerly \$3000]. *Rejected November 1904.* 134, 6 J1 04

v **Mass.** Referring to Legislature of 1904 amendment to Const. 1780 by adding article: any constitutional amendment proposed by 50,000 voters (but 25,000 from any one county), approved by 15 senators and majority of representatives, shall be submitted to people at next general election; on approval of majority of voters to be resubmitted to people at succeeding state election, and if approved by two thirds vote, to become part of Constitution; rejected amendment may not be proposed again for 3 years. *Not repassed in 1904.* p.583, 5 Je 03

w2 **Mo.** Amending Const. 1875 art.4 §47: Legislature may authorize cities of 100,000 to provide pensions for disabled and superannuated policemen and relief for their widows and minor children. *Rejected November 1904.* p.279, '03

w3 **Mo.** Amending Const. 1875 art.4 §1: legislative power inherent in electors of municipal divisions, subject to general laws; referendum may be demanded by 10% of voters of each congressional district within 90 days after adjournment of Legislature; only appropriation acts, laws for immediate preservation of public peace, health and safety, and laws passed by two thirds vote may become operative within 90 days after adjournment; initiative of laws on petition of 15% of voters of state, and of constitutional amendments on petition of 20% of voters of each congressional district. *Rejected November 1904.* p.280, '03

w4 **Mo.** Amending Const. 1875 art.10, by adding §27: annual tax of ½ mill to be levied to supply schools with free textbooks. *Rejected November 1904.* p.281, '03

w5 **Mo.** Amending Const. 1875 art.12 §24: antipass provisions omitted; transportation companies to give passes to designated state officials and judges, sheriffs and superintendents of state institutions; penalties. *Rejected November 1904.* p.283, '03

w6 **Mo.** Amending Const. 1875 art.10 adding section: authorizing ¾ mill tax for 5 years for erection of new state capitol. *Rejected November 1904.* p.284, '03

w7 **N. Y.** Referring to next Legislature amendment to Const. 1894 art.6 adding §24: provision for election of 2 additional justices of Supreme Court in 2d judicial district. *Not repassed in 1903 or 1904.* p.1806, 22 Ap 01

w8 **S. D.** Submitting amendment to Const. 1889 by adding art.29: salary of attorney general, \$1800. *Rejected November 1904.* 97, 03



## CONSTITUTIONAL LAW STATE DEPARTMENTS

- x** S. D. Submitting amendment to Const. 1889 art.20 §1, 2: permanent seat of government to be located at Mitchell. *Rejected November 1904.* 98, '03
- x2** Tenn. Submitting amendment to Const. 1870 art.3 §4: governor to hold office 4 [formerly 2] years, and be eligible 8 in 12 [formerly 6 in 8] years. *Rejected November 1904.* 532, 2 Ap 03
- x3** Tenn. Submitting amendment to Const. 1870 art.3 §17: secretary of state to be *elected by qualified voters* [formerly by joint vote of Legislature]. *Rejected November 1904.* 532, 2 Ap 03
- x4** Tenn. Submitting amendment to Const. 1870 art.7 §1: sheriffs, registers and county trustees are to be elected for 4 [formerly 2] years; *ineligible for 2d term*, till expiration of 4 years. *Rejected November 1904.* 532, 2 Ap 03
- x5** Tenn. Submitting amendment to Const. 1870 art.7 §3: state treasurer and comptroller to be *elected by qualified voters* [formerly by joint vote of Legislature]; term 4 [formerly 2] years. *Rejected November 1904.* 532, 2 Ap 03
- x6** Tenn. Submitting amendment to Const. 1870 art.11 §13: Legislature may enact local road, fence and stock laws. *Rejected November 1904.* 532, 2 Ap 03
- x7** Tenn. Submitting amendment to Const. 1870 art.11 §18: counties or cities may exempt new manufacturers from taxation for 10 years on two thirds vote of County Court or city council. *Rejected November 1904.* 532, 2 Ap 03
- x8** Tenn. Submitting amendment to Const. 1870 art.11 §19: indebtedness of counties, cities and towns limited to 10% of value of taxable property. *Rejected November 1904.* 532, 2 Ap 03
- x4** Wy. Submitting amendment to Const. 1889 art.5 §17: salary of Supreme Court judges, \$5000, of District Court judges, \$4000 after January 1905. *Rejected November 1904.* p.152. 23 F 03

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## State departments

BY HELEN PAGE BATES PH.D.

*See also* 753. Officers; *also under each head* Finance, Public health, Charities Education etc.

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## Governor

- a** Tenn. Submitting amendment to Const. 1870 art.3 §4: governor to hold office 4 [formerly 2] years and be eligible 8 in 12 [formerly 6 in 8] years. *Rejected November 1904.* 532, 2 Ap 03
- b** Va. Amending C. §221-22 relating to powers of governor: all officers of executive department, also institutional boards and superintendents to report to governor on request; [formerly officials were designated, and quarterly reports required]; governor may employ accountants to inspect official records. Repealing §220.

428 (ex. sess.), 12 D 03



43 Salary

- a Ala. Salary of governor, \$5000 [formerly \$3000]. Amending C. §1954. p.32, 5
- b Ga. Salary of governor \$5000 [formerly \$3000]. See 1877 art.5 §1 ¶2. p.71, 16

44 Secretary. Clerks. Employees

- a Ala. Salary of private secretary to governor, \$2400 [formerly \$1500]. Amending C. §1958. p.126, 5
- b Mass. Salary of executive secretary of governor and Council \$2500 [formerly \$2000]. Amending R. L. ch.4 §6. 268, 27
- c Miss. Salary of governor's private secretary \$1500 [formerly \$1200]. Amending '02 ch.108. 134, 18
- d O. Amending R. S. §80, 108, 1288 relating to secretary of governor. p.4, 6

45 Veto

- a Kan. Amending Const. 1859 art.2 §14: governor may veto of appropriation bill. *Adopted November 1904.* 545, 21

48 Lieutenant governor

- a O. Salary of lieutenant governor \$1500 [formerly \$800]. Amending R. S. §1284. p.3, 6

49 Secretary of state

- a Ala. Secretary of state to appoint chief clerk at salary, \$1500. p.158, 5
- b Miss. Office of secretary of state to be open from 9 a. m. to 5 p. m.; [formerly closed from 12 m. to 2 p. m.] Amending C. '92 §4084. 168, 19
- c N. Y. Amending executive law, '92 ch.683 §26 subdiv.4 and subdiv.16 relating to fees of secretary of state: registry of mark. 26, 1
- d Tenn. Submitting amendment to Const. 1870 art.3 §17: secretary of state to be *elected by qualified voters* [formerly by joint action of Legislature]. *Rejected November 1904.* 532, 2
- e Va. Secretary of commonwealth to make *monthly* [formerly *annual*] statement of tax receipts to auditor of public accounts. Amending C. §591. 336 (ex. sess.), 3
- f Va. Revision of C. ch.18 relating to duties of secretary of commonwealth and concerning state and other libraries. Repealing ch.253, 261. 547 (ex. sess.), 2
- g W. Va. Fixing fees of secretary of state; monthly and annual reports to auditor of state. 13, 11

50 Attorney general

- a Ala. Attorney general may employ stenographer at \$50 a month. p. 395, 6



- b Ga. Salary of stenographer for attorney general, \$100 a month. p.106, 12 Ag 04
- c Ia. Salary of assistant attorney general, \$1800 [formerly \$1200]. Amending C. §212. 10, 24 Mr 04
- d La. Submitting amendment to Const. 1898 art.97: salary of attorney general, \$5000 [formerly \$3000]. *Rejected November 1904.* 134, 6 Jl 04
- f Miss. Office of attorney general to be open from 9 a. m. to 5 p. m.; [formerly closed from 12 m. to 2 p. m.] Amending Ann. C. '92 §188. 137, 19 F 04
- g N. J. Attorney general to act as counsel for state boards, commissions and officials; provision for appointment of assistant attorney general and for clerk hire. Amending and supplementing '54 ch.58. 62, 25 Mr 04
- h O. Attorney general may appoint assistants and employees of department: viz, first *and second* assistant attorney general at salaries of \$3000 and \$2500 respectively, chief clerk at \$1500, stenographers and messenger, also special counsel as needed; attorney general to be *only* legal adviser of state institutions, boards and officers; [formerly other counsel allowed on consent of attorney general, governor and auditor of state]. Amending R. S. §202, 202a. p.59, 31 Mr 04
- i S. D. Submitting amendment to Const. 1889 by adding art.29: salary of attorney general, \$1800. *Rejected November 1904.* 97, '03
- j Va. Attorney general to give his opinion and act as counsel to State Corporation Commission. Amending C. §3203-4. 416 (ex. sess.), 10 D 03
- k Va. Salary of attorney general \$3500 [formerly \$2500]; clerk may be employed at \$1200 [formerly \$900]. Amending C. §183. 67, 7 Mr 04

## 51 Other officers and boards

Departments of agriculture are classified under Agriculture, of education Education, etc.

### 53 Corporation commission

- a Va. Amending C. §183 subdiv.12, regulating salaries of members and employees of State Corporation Commission. 65, 7 Mr 04

### 57 Officers and departments created, abolished or reorganized

Courts and court officers not included

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration.

- a Ala. Creating State Board of Horticulture to consist of state commissioner of agriculture and industries, president of Alabama State Horticultural Society, and director of Experiment Station



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of Alabama Polytechnic Institute; professor of horticulture of institute to be state horticulturist; to regulate inspection and sale of nursery stock; quarterly report of horticulturist to board; annual report of board to governor; \$1500 annual appropriation.

p.140, 5 Mr 03

- b Ala.** Creating State Text Book Commission to consist of state superintendent of education, governor and 3 teachers appointed by latter; term; appointment of examining committee of 5; to adopt uniform textbooks; \$2000.

p.167, 4 Mr 03

- c Ala.** Reorganizing State Military Board to consist of adjutant general, quartermaster general and inspector general and 2 appointees of governor: to constitute advisory body to commander in chief. Amending '99 p.136 §2, 12, 15, and adding §30-32.

p.265, 30 S 03

- d Ala.** Creating State Board of Appointment according to Const. 1901 §186: to consist of governor, state auditor and state commissioner of agriculture and industries; to appoint county boards of registrars.

p.438, 9 O 03

- e Ala.** Creating state bank examiner to be appointed by governor for 4 years; salary \$2000; annual inspection of banking institutions and trust companies; annual report to governor.

p.483 10 O 03

- f Id.** Declaring unconstitutional '03 p.375 which created Board of Deposits. *State v. Coffin*, 74 P. 962 (1903).

- g Ia.** Secretary of state to act as custodian of state documents and publications; powers and duties; biennial report to governor.

5, 12 Mr 04

- h Ia.** Auditor of state to appoint insurance examiner at salary, \$2000; to inspect companies biennially; powers and duties.

56, 17 Mr 04

- i Ia.** Commission consisting of governor, auditor of state, and attorney general to approve plans for consolidation or reinsurance of risks of life insurance companies.

58, 30 Mr 04

- j Ia.** State Board of Health to serve as state registrar of vital statistics: appointment of local health officers as subregistrars; powers and duties; monthly reports by latter to state board.

100, 13 Ap 04

- k Ia.** Iowa State College of Agriculture and Mechanic Arts constituted Highway Commission for Iowa; powers and duties; annual report to governor.

105, 13 Ap 04

- m Ia.** State agent for Soldiers' Orphans Home, Industrial School for Boys, and Industrial School for Girls, to be appointed by Board of Control of State Institutions; to place out and visit children in homes; reports to board.

157, 13 Ap 04



- Ky.** Creating State School Book Commission to consist of 7 designated members; to adopt and contract for uniform series of textbooks; \$1000. 14p. 3, 8 F 04
- Ky.** Creating State Board of Dental Examiners: to consist of 5 members appointed by governor for 5 years; to license to practise on diploma of approved college and examination; annual report to governor; [replacing board of examiners created in 1893, chosen from Kentucky State Dental Association]. Amending '93 ch.189 §1, 3-4, 6. 32, 17 Mr 04
- Ky.** Auditor, treasurer and secretary of state to constitute Board of Assessment; to fix valuation of shares of national banks in state; annual report to auditor of public accounts. 66, 21 Mr 04
- Ky.** Creating State Board of Embalming: to consist of 5 members appointed by governor for 4 years; later appointments to be made by governor on recommendation of Funeral Directors Association of Kentucky; to license to practise on examination. 89, 22 Mr 04
- La.** Creating State Crop Pest Commission: to consist of governor, commissioner of agriculture, director and entomologist of State Experiment Station, and 2 cotton planters appointed by governor; term 4 years; compensation; to prevent spread of crop and fruit diseases and pests, in particular cotton boll weevil; bulletins to be published and distributed by Board of Agriculture and Immigration. 6, 15 D 03
- La.** Establishing Department of Forestry: register of Land Office as ex officio commissioner of forestry and 4 appointees of governor to constitute State Forestry Commission; commissioner to appoint deputy as chief firewarden with power to appoint assistant wardens; powers and duties; compensation; deputy to report annually to commissioner and latter, to governor. 113, 4 Jl 04
- La.** Creating office of state fire marshal: to be appointed by governor; salary \$3000; powers and duties; annual report to governor. 122, 5 Jl 04
- La.** Creating State Board of Charities and Corrections: to consist of 6 members appointed by governor for 6 years; governor to serve as chairman; to visit and inspect state and local charitable and correctional institutions; annual report to governor and biennial report to Legislature. 176, 5 Jl 04
- Md.** Creating Board of Examiners of Nurses: to consist of 5 members appointed for 3 years by governor on recommendation of State Association of Graduate Nurses; to issue certificates on diploma and examination. 172, 25 Mr 04; 241, 12 Ap 04
- Md.** Commission, which was appointed by '96 ch.51 to direct State Economic and Geologic Survey, now vested with power to



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- supervise construction of state roads; \$200,000 annual appropriation for road improvement. Supplementing '98 ch.454. 225, 2 A
- w2 Md. Creating Board of Barber Examiners: to consist of 5 members appointed by governor for 2 years: board may appoint local subboards of examiners; to issue certificates on examination; to issue annual report to state comptroller. 226, 1 A
- w3 Md. Creating office of state reporter *and codifier*: to be appointed for 4 years by Court of Appeals; salary \$3000 [former \$1000]; as codifier to compile code of general laws in 1910 and every 10 years thereafter, and code of local laws as needed. Amending C. art.80. 327, 8 A
- w4 Md. Reorganizing State Board of Education: to consist of governor and 6 [formerly 4] appointees confirmed by Senate, superintendent of public education [formerly also principal of state normal school]; principals of state normal schools and principals of normal department of school or college receiving state aid to be honorary members without vote. Amending C. art.77 §5. 584, 12 A
- w5 Mass. Creating office of state forester: to be appointed for 1 year by governor with consent of Council; salary \$2000; to be ex officio member of State Board of Agriculture; powers and duties; annual report to Legislature; annual expenditure limited to \$5000. 409, 3 J
- w6 Mass. Abolishing fire marshal's department under Department of District Police; transferring powers and duties to detective department; reorganizing latter by adding thereto chief fire inspector [corresponding to former chief aid of fire marshal's department] and 6 additional fire inspectors. Repealing '02 ch. §2, 3, '03 ch.365 §1. 433, 8 J
- w7 Miss. Creating State Textbook Commission: to consist of 10 members: superintendent of education and 8 appointees of governor from the several congressional districts; term 5 years; to adopt uniform series of textbooks. 86, 19 M
- w8 Miss. Creating permanent Capitol Commission: to consist of governor, secretary of state, state insurance commissioner, state revenue agent; commission may employ superintendent to supervise capitol and grounds at \$1200 salary. 109, 10 M
- x N. J. Creating State Board of Tenement House Supervision: to consist of 5 members appointed by governor with consent of Senate; term 5 years; powers and duties; annual report to governor. 61, 25 M
- xi N. J. Creating Department of Labor: to consist of commissioner to be appointed for 3 years by governor with consent of Senate at \$2500 salary, an assistant appointed by commissioner



with consent of governor, and 11 inspectors (2 women) appointed by governor; powers and duties; annual report by commissioner to governor. 64, 24 Mr 04

- 2 N. J. Creating office of state auditor: to be attached to office of comptroller of treasury, and appointed by latter with consent of governor; salary \$2500; powers and duties. Supplementing '65 ch.212. 198, 29 Mr 04

- 3 N. J. Creating State Board of Public Accountants: to consist of 3 members appointed by governor for 3 years; board to recommend examinees to governor for certificate; annual report to governor. 230, 5 Ap 04

- 4 N. J. Providing for creation of River Flood District Commission on establishing of any river flood district: to consist of 5 members appointed by governor with consent of Senate; perpetual succession under corporate name; salary \$2500; to plan, construct and maintain dams, sluices, canals etc. for arresting overflow of flood waters; annual report to secretary of state. 4 (ex. sess.), 19 Ap 04

- 5 N. Y. Consolidating Department of Public Instruction and University of the State of New York: offices of state superintendent of public instruction and secretary of the University abolished and state commissioner of education created; Board of Regents reorganized. 40, 8 Mr 04

- 5 N. Y. Creating State Board of Alienists: to consist of chief and 2 assistant examiners appointed by State Commission in Lunacy; to act under direction of commission; salaries \$5000 and \$3000 respectively; to examine immigrants as to mental condition. 326, 13 Ap 04

- 7 N. Y. Creating Board of Examiners and Appraisers (of canal property): to act under direction of State Canal Board; to consist of 3 members appointed for 4 years by governor with consent of Senate; salary \$5000; powers and duties. 335, 14 Ap 04

- 5 N. Y. Creating River Improvement Commission: to consist of state engineer and surveyor, attorney general, superintendent of public works, state forest, fish and game commissioner, and 1 civil engineer appointed by governor with consent of Senate; powers and duties; annual report to Legislature. 12p. 734, 14 My 04

- 7 O. Abolishing office of quartermaster general and transferring powers and duties to adjutant general; creating office of assistant quartermaster general to be appointed by governor; to serve in office of adjutant general; salary \$1500; abolishing offices of judge advocate general, surgeon general and chief of engineers. Amending R. S. §98, 99, 102 and repealing §100, 101. p.5, 11 Ja 04

- 1 O. Members of Board of Public Works to serve as superin-



tendents of the several state canals; to maintain canals and public works; power of appointment. Amending R. S. §218 subdiv. 4.

p.103, 19 Ap 04

**y2** O. Establishing Division of Nursery and Orchard Inspection under Ohio Department of Agriculture: creating office of state entomologist to be appointed by board to serve as chief inspector; powers and duties; board to report annually to governor; [repealing '02 p.491, which provided for appointment of nursery inspector by State Board of Agriculture].

p.172, 22 Ap 04

**y3** O. Supplementing '88 p.127 providing for appointment of Canal Survey Commission: governor with consent of Senate to appoint for 2 years 2 [formerly 3] commissioners at \$1500 [formerly \$1200] salary; to complete work begun by original commission.

p.184, 22 Ap 04

**y4** O. Establishing State Highway Department: creating office of state highway commissioner to be appointed for 4 years by governor with consent of Senate; salary \$2500; commissioner may appoint assistant at \$1500 on approval of governor; powers and duties; annual report to governor. p.511, 27 Ap 04; p.523, 18 Ap 04

**y5** O. Creating Board of Deposit: to consist of treasurer of state, auditor of state and attorney general; to designate banks and trust companies for state depositories.

p.535, 3 My 04

**y6** O. Creating State Board of Equalization for Electric Railroads: to consist of auditor of state, treasurer of state, attorney general and commissioner of railroads and telegraphs; to equalize valuations of county boards of appraisers and assessors.

p.572, 6 My 04

**y7** R. I. State nursery inspector to be appointed by State Board of Agriculture for 1 year; compensation to be fixed by board; powers and duties.

1159, 13 Ap 04

**y8** R. I. Creating Firemen's Relief Board of Rhode Island: to consist of 1 member appointed by Rhode Island State League of Firemen and 2 persons by governor with consent of Senate; term 1 year; powers and duties; \$2500 annual appropriation to league.

1161, 13 Ap 04

**z** S. C. Creating state commissioner of agriculture, commerce and immigration: to be appointed for 4 years by governor with consent of Senate; salary \$1900; powers and duties; annual report to governor.

259, 23 F 04

**z1** Va. Repealing '00 ch.202 as to provision requiring register of land office to serve as superintendent of weights and measures.

454, 14 D 03

**z2** Va. Creating office of secretary of Virginia military records: to be appointed for 1 year by governor on recommendation of com-



mander of Grand Camp of Confederate Veterans; salary \$1200; to collect muster rolls and military records of confederate officers and enlisted men and transfer to United States War Department.

70, 7 Mr 04

- 23 W. Va. Creating office of state tax commissioner: to be appointed for 6 years by governor with consent of Senate; salary \$4000; biennial report to governor. 4, 15 Ag 04

### 58 Temporary boards and officers

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration. *See also* 59, Special investigations.

- a Ala. Designating Capitol Building Commission of 6 members to supervise enlargement of capitol; report to Legislature of 1907. \$150,000. p.57, 17 F 04
- b Ala. Legislature to elect commissioner to codify statutes; completion of code before Legislature of 1907; \$10,000. p.298, 30 S 03
- c Ga. Joint legislative committee to be appointed to purchase portrait of Gen. J. B. Gordon to be placed in capitol; \$500. p.732, 13 Ag 04
- d Ga. Commission consisting of state commissioner of agriculture, state geologist and 3 appointees of governor to be appointed to represent state at Jamestown Exposition in 1907. p.761, 13 Ag 04
- e Ia. Commission of 5 veterans to be appointed by governor to erect monument commemorative of prisoners at Andersonville; annual report to governor; \$10,000. 166, 9 Ap 04
- f Ky. Louisiana Purchase Exhibition Commission consisting of 15 members to be appointed by governor; to erect building and prepare exhibit; proviso; final report to governor; \$75,000. 1, 27 Ja 04
- g Ky. Commissioners of Sinking Fund of Kentucky constituted Board of Capitol Commissioners: to erect and complete capitol buildings at Frankfort; reports to governor and Legislature; \$1,000,000. 2, 6 F 04
- h Ky. Commission consisting of governor, lieutenant governor, auditor and treasurer, to erect statue at Frankfort to martyred Gov. William Goebel; \$20,000. 118, 25 Mr 04
- i La. Extending term of New Orleans Courthouse Commission created in 1902. Supplementing '02 ch.79. 96, 30 Je 04
- j Md. Attorney general with 4 appointees of governor to form Advisory Commission on Emergency Legislation made necessary by Baltimore fire. 2, 11 F 04
- k Md. Governor, comptroller of treasury and treasurer may sell, convey or lease to Baltimore city authorities property of state lying within burnt district. 581, 12 Ap 04



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- m** **Md.** Governor to appoint commission of 13 members to confer with similar commission from Virginia relating to Jamestown Exposition in 1907; report to Legislature of 1906. p. 1272, '04
- n** **Md.** Designating committee of 4 members to prepare plan for rebuilding Fort Frederick; report to Legislature of 1906; \$50. p.1273, '04
- q** **Mass.** Commission, consisting of state auditor, secretary of commonwealth and adjutant general, to pass on applications for bounties to be awarded to Civil War veterans; powers and duties; provision for state loan of \$350,000. Amending '03 ch.471. 458, 9 Je 04
- p** **Mass.** Governor with consent of Council may appoint committee of 3 members to consider erection of memorials to John Adams, John Quincy Adams and John Hancock; report to Legislature of 1905. r.109, 8 Je 04
- r** **Miss.** Entomologist of Mississippi Agricultural Station to regulate inspection, sale and shipment of nursery stock, and cotton products liable to be infested with boll weevil; report to Legislature of 1906; \$10,000. 45, 18 Mr 04
- s** **Miss.** Creating commission of 3 members: to be appointed by governor from the several Supreme Court districts; to codify laws; compensation \$2000 each; ratification of code by special session of Legislature in 1906. 100, 19 Mr 04
- t** **Miss.** Governor, attorney general, 1 appointee of governor, and 2 others appointed by governor on nomination of Legislature to constitute commission to provide for state institution for deaf and dumb; cost limited to \$75,000; report to Legislature of 1906. 108, 14 Mr 04
- u** **N. J.** Governor to appoint 3 commissioners to erect monument to 9th Regiment of New Jersey Volunteer Infantry buried in National Cemetery at Newbern N. C.; \$5000. 56, 22 Mr 04
- v** **N. J.** Governor to appoint 3 commissioners to erect tablets or monuments on Revolutionary battlegrounds at Elizabethtown, Connecticut Farms, and Springfield; \$5000. 93, 28 Mr 04
- w** **N. J.** Supervisor, keeper and board of inspectors of State Prison to constitute building commission to enlarge State Prison; expenditure limited to \$335,000. 98, 28 Mr 04
- x** **N. J.** Governor to appoint 3 commissioners to compile general statutes; compensation; work to be entitled Revised Statutes of New Jersey. 227, 30 Mr 04
- xi** **N. J.** Governor, president of Senate, and speaker of House of Assembly to constitute commission to decide on purchase of portraits of New Jersey signers of Declaration of Independence; \$1250. p.505, 24 Mr 04



## CONSTITUTIONAL LAW STATE DEPARTMENTS

- x2** N. J. President of Senate, speaker of House of Assembly and adjutant general to constitute committee to purchase portraits of governor and ex-governors; \$2000. p.506, 28 Mr 04
- x3** N. Y. Designating Board of Statutory Consolidation of 5 members: to appoint persons to consolidate laws, and direct work; annual report to Legislature and final report in 1907; \$32,500. 664, 9 My 04
- x4** N. Y. Designating commission of 5 members to select site for New York State Training School for Boys, within 50 miles of New York city, on abandonment of House of Refuge for Juvenile Delinquents on Randall's island; report to Legislature of 1905. 718, 11 My 04
- x5** O. Governor to appoint commission of 3 members to erect monument to Gen. P. H. Sheridan at Somerset; commission to act under supervision of governor; \$10,000. p.510, 27 Ap 04
- x6** O. Governor, adjutant general and president of Board of Library Commissioners to supervise erection and furnishing of additional rooms for State Library; \$5000. p.515, 27 Ap 04; p.641, 24 Mr 04
- x7** O. Commission consisting of governor, auditor of state, attorney general, secretary of State Board of Health and one appointee of governor to purchase lands and erect state sanatorium for tuberculosis; \$35,000. p.559, 4 My 04
- x8** O. Commission consisting of governor, auditor of state and secretary of state to erect monument to William H. Gibson; \$10,000 appropriation on subscription of \$8000 by citizens. p.645, 31 Mr 04
- y** O. Committee of 5 to be appointed by governor to consider location for State Hospital for Insane; report to Legislature of 1906. p.651, 25 Ap 04
- y1** O. Commission of 3 members to be appointed by governor to erect soldiers monument at Fort Meigs; \$25,000. p.651, 25 Ap 04
- y2** Or. Creating Board of Commissioners of Canals and Locks: to consist of governor, secretary of state and state treasurer; to acquire right of way for canal and improvement of Columbia river between The Dalles and Celilo; expenditure limited to \$100,000; final report to be filed with secretary of state. p.11, 24 D 03
- y3** R. I. Designating committee of 3 members to erect monument to Maj. Gen. Frank Wheaton of Civil War; \$1300. r.26, 30 Mr 04
- y4** S. C. Designating commission of 3 members to direct repairing of monument on battlefield at Chickamauga; \$2500. 368, 22 F 04
- y5** S. C. Joint legislative commission of 5 members to be appointed to direct completion of state house; \$50,000. 374, 25 F 04
- y6** Va. Joint committee, consisting of governor, 3 senators and 3 delegates to supervise enlargement and restoration of state cap-



- itol; [replacing joint committee appointed by '02 ch.452 p.465];  
\$150,000 additional appropriation. 62, 7 Mr 04
- y7 Va. Commission consisting of governor, treasurer and register  
of land office to remove statue of Washington from capitol to  
place of safety, during repair of capitol; \$1000. 224, 15 Mr 04
- y8 W. Va. Board of Public Works constituted Board of Review  
and Equalization: to equalize reassessment of real estate to be  
made in 1905. 15, 12 Ag 04

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## Special investigations

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the department librarian and the student of state administration.

- a Ga. Extending term of Commission on Registration of Land  
Titles, appointed in 1903; report to Legislature of 1905. Supple-  
menting '03 p.689. p.758, 3 Ag 04
- b Ga. Commission to be appointed consisting of 2 senators,  
3 representatives, and 3 members of State Bankers Association  
appointed by governor: to consider revision of banking laws;  
report. p.759, 26 Jl 04
- c Ga. Governor to appoint commission consisting of 1 physician  
from each congressional district, and 10 from state at large: to  
investigate prevalence of tuberculosis and means of prevention;  
report to Legislature of 1905. p.760, 12 Ag 04
- d Ia. Board of Control of State Institutions to investigate extent  
of tuberculosis and means of prevention; \$1000. 162, 12 Ap 04
- e Ia. Joint legislative committee of 3 members to investigate  
working of indeterminate sentence and Elmira Reformatory sys-  
tems: report to Legislature of 1906; \$500. p.211, 12 Ap 04
- f Ia. Joint legislative committee of 6 members to consider advis-  
ability of changing present system of management of state educa-  
tional institutions: report to Legislature of 1906; \$1200.  
p.211, 12 Ap 04
- g La. Commission consisting of 5 members to be appointed by  
governor to investigate Torrens system of land registration: report  
to governor by July 1905. 88, 4 Jl 04
- h La. Joint legislative committee of 5 members to be appointed  
to investigate systems of state printing: report to Legislature of  
1906. 198, 7 Jl 04
- i Md. Creating Public Records Commission: to consist of 3 mem-  
bers appointed for 2 years by governor with consent of Senate;  
to investigate condition and completeness of public records: \$1000  
annual appropriation: report to Legislature 282, 7 Ap 04
- j Md. Extending term of commission appointed in 1902. to in-  
vestigate cerebro-spinal meningitis in horses. to January 1906 [for-  
merly 1904]. Supplementing '02 ch 181. 203, 7 Ap 04



## CONSTITUTIONAL LAW STATE DEPARTMENTS

- k** Md. Commission consisting of State Lunacy Commission and governor to recommend changes in legislation relative to treatment of insane, and submit plans for additional state hospitals, made necessary by law requiring all dependent insane persons to be cared for by state and to be removed from county and city almshouses. Amending C. art.59 §2. 421, 8 Ap 04
- m** Md. Governor to appoint Tuberculosis Commission: to consist of 5 members; term 2 years; to investigate causes of disease and to present detailed plan for establishment of sanatorium; report to Legislature by January 1906; \$2000. 476, 12 Ap 04
- n** Mass. State Board of Health to consider advisability of legislation to regulate undertaking and embalming; report to Legislature by May 1904. r.27, 23 Mr 04
- p** Mass. State Board of Education to investigate feasibility of increasing age of compulsory school attendance to 15 years. r.80, 20 My 04
- q** Mass. Governor with consent of Council to appoint 3 commissioners to prepare register of adult blind from 20 to 60 years; to consider feasibility of establishing industrial schools; report to Legislature of 1905; \$5000. r.87, 23 My 04
- r** Mass. Governor with consent of Council may appoint committee of 3 members to investigate local sewerage systems within metropolitan sewerage district and consider advisability of their purchase and maintenance by metropolitan water and sewerage boards; report to Legislature of 1905. r.98, 3 Je 04
- s** Mass. State Board of Health to investigate factories as to conditions affecting health or safety of employees; report to Legislature of 1905; \$1000. r.99, 3 Je 04
- t** Mass. Governor with consent of Council to appoint 3 persons as Commission on Building Laws; to consider expediency of revision; report to Legislature of 1905. 424, 4 Je 04
- u** N. J. Governor to appoint 3 commissioners to investigate advisability of establishing free bridges across Delaware river; report to Legislature of 1905. p.507, 28 Mr 04
- v** N. J. Extending time of commission appointed to report on advisability of state reformatory for women. Supplementing '03 p.523. p.510, 28 Mr 04
- w** R. I. Designating commission of 7 members to determine changes necessary for carrying into effect art.12 of amendments to Constitution, adopted in November 1903, relating to jurisdiction of Supreme Court; report to secretary of state by October 1904. r.2, 13 Ap 04
- x** Va. Special joint commission of 10 members to be appointed by speaker of House and president of Senate to consider advisa-



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bility of establishing additional state female normal school; report to Legislature. 583, 11 Ja 04

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State institutions

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration. See also 335, Corrections; 2140, Charities; 2220, Education.

61

Establishment. Reorganization. Change of name

- a Ala. Designating testing laboratory of University of Alabama as State Testing Laboratory for cements and other materials of construction. p.248, 23 S 03; p.389, 6 O 03
- b Ala. Establishing Home for Confederate Veterans at Mountain Creek, on conveyance of site; board of control to consist of governor and 1 veteran from each congressional district and 3 from state at large appointed by governor; \$25,000. p.260, 6 O 03
- c Ia. Establishing State Hospital for Inebriates in former Industrial Home for Adult Blind at Knoxville: to be used for detention and treatment of dipsomaniacs, inebriates and those addicted to drugs; management by Board of Control of State Institutions; \$125,000. 80, 6 Ap 04
- d Ia. Establishing State Bacteriological Laboratory connected with medical department of State University at Iowa City: professor of bacteriology to serve as director of laboratory; additional salary limited to \$1200; to make scientific analyses and investigation under direction of State Board of Health; \$6000 biennial appropriation. 101, 12 Ap 04
- e Ky. Changing name of Kentucky Institution for Education of Deaf Mutes at Danville to Kentucky School for Deaf. 42, 19 Mr 04
- f La. Changing name of Insane Asylum for Colored Persons of State of Louisiana to *Louisiana Hospital for Insane* at Alexandria; *white and colored patients* to be received. Amending '02 ch.92 §1, 2, 8, 9, 15, 16. 143, 6 Jl 04
- g La. Establishing state reform school for reception of male convicts under 18, not guilty of capital offenses; organization and management; annual report to governor. 173, 5 Jl 04
- h Mass. Establishing Massachusetts School and Home for Crippled and Deformed Children: managing board of 5 trustees to be appointed by governor with consent of Council; supervision by State Board of Charity; annual report of trustees to governor; provision for \$300,000 loan. 446, 8 Je 04
- i Miss. Establishing State Institution of Deaf and Dumb near Jackson; appointment of commission to select site, erect and fur-



## CONSTITUTIONAL LAW STATE DEPARTMENTS

nish buildings and sell property now occupied by institution; report to Legislature of 1906. 108, 14 Mr 04

- j N. Y. Changing name of House of Refuge for Women at Hudson to New York State Training School for Girls; managing board to consist of 6 members appointed by governor with consent of Senate; commitment of girls under 17. Adding §131-39c to state charities law '96 ch.546 art.8. 453, 28 Ap 04
- k N. Y. Establishing State Armory at Rochester on approval by State Armory Commission; \$300,000 on donation of site. 642, 9 My 04
- m N. Y. Establishing State Armory at Flushing on approval of State Armory Commission; \$70,000. 647, 9 My 04
- n N. Y. Establishing New York State College of Agriculture at Cornell University; \$250,000 on conveyance of lands by latter. 655, 9 My 04
- p N. Y. Establishing State Armory at Binghamton on approval of State Armory Commission; \$120,000 additional to proceeds of sale of old site and building. 667, 9 My 04
- q N. Y. Establishing State Reception Hospital for Insane in borough of Manhattan; supervision by State Lunacy Commission; \$300,000. 760, 14 My 04
- r N. D. Submitting amendment to Const. 1889 §215 subdiv.8: Institution for Feeble-minded to be removed from Jamestown to Grafton. *Adopted November 1904.* p.294, 5 Mr 03
- s N. D. Submitting amendment to Const. 1889 §215 subdiv.5: changing name of Deaf and Dumb Asylum to School for Deaf and Dumb of North Dakota. *Adopted November 1904.* p.295, 2 Mr 03
- t O. Establishing Home of Ohio Soldiers, Sailors, Marines, their Wives, Mothers and Widows, and Army Nurses, at Madison, on cession of site by National Women's Relief Corps; managing board of 5 members to be appointed by governor with consent of Senate; annual report to governor; appropriation. p.69, 6 Ap 04

62

## Supervision and administration

*See also 790, 863, Finance*

- a Ia. Amending C. §2727-a 23 relative to employment of architects by Board of Control of State Institutions. 109, 6 Ap 04
- b Ia. \$250 annual appropriation for quarterly conferences of executive officers of institutions under Board of Control of State Institutions. 110, 17 Mr 04
- c Ia. Special policemen may be appointed for any institution under control of Board of Control of State Institutions; regulations. 111, 13 Ap 04
- d Ia. Providing for disposition of unclaimed money left by deceased inmates of state institutions. 112, 13 Ap 04



- e **Mass.** Inmates of public penal, charitable or reformatory institutions to be required only to attend religious service of own belief; proviso. Amending R. L. ch.225 §72. 363, 23 My 04
- f **O.** Extending provisions of R.S. §6826-27a to all state *benevolent, penal* or reformatory institutions: prohibiting abduction or enticement of inmates to escape, trespassing on grounds of institutions, or purchasing clothing from inmates; arrest and return of fugitives. p.306, 23 Ap 04

63

**State boards of control**

- a **La.** Creating State Board of Charities and Corrections: to visit and inspect state and local charitable, and correctional institutions; annual report to governor and biennial report to Legislature. 176, 5 Jl 04
- b **Md.** Amending C. art.88a relating to Board of State Aid and Charities: board to consist of 7 [formerly 5] members, 2 *nonresidents of Baltimore city*; salary of secretary \$1800 [formerly \$1200]; duties of secretary; investigation of state-aided institutions, and recommendation as to appropriations. 549, 8 Ap 04

66

**Public documents. Printing**

67

**General**

- a **Ia.** State documents to be placed in custody of secretary of state; classification and arrangement; distribution. Amending C. §126. 5, 12 Mr 04; 6, 9 Ap 04
- b **La.** Joint legislative committee of 5 members to be appointed to investigate systems of state printing; report to Legislature of 1906. 198, 7 Jl 04
- c **Md.** Revising C. art.78 relating to public printing; *Board of Public Works* [formerly clerk of Court of Appeals] to award contracts; biennial report to Legislature. 319, 12 Ap 04
- d **O.** Amending R. S. §133-34 relative to purchase of paper for public printing. p.568, 6 My 04
- e **Va.** Revising C. ch.19 and later supplements relating to public printing. 532 (ex.sess.), 31 D 03
- f **Va.** Amending C. §273 relating to contracts for public printing. 214, 15 Mr 04

68 **State printing boards and officers**

- a **Mass.** Statistics incorporated in reports of boards, commissions and heads of departments to be approved by State Board of Publication. 388, 31 My 04
- b **O.** Salary of supervisor of public printing \$1800 [formerly \$800]. Amending R. S. §1284. p.3, 6 Ja 04
- c **O.** Salary of supervisor of public printing \$2000 [formerly \$1800]. Amending R. S. §1284. p.556, 3 My 04



CONSTITUTIONAL LAW LEGISLATURE

- d Or. Submitting amendment to Const. 1857 art.12 §1: Legislature to provide for election of state printer [formerly elected by people]. *Adopted June 1904.* p.168, 24 F 03

70

Distribution

*See also 2354, State libraries*

- a Ala. Secretary of state to furnish probate judge of county additional copies of state reports and documents for each place where court of record is held. p.416, 9 O 03
- b Ia. Secretary of state to distribute code, and state documents in foreign countries and effect exchanges; college library exchanges. 142, 4 Ap 04

72

Manuals. Blue books

- a Ia. Secretary of state to publish 15,000 additional copies of Iowa Official Register of 1904. p.216, 13 Ja 04; p.217, 28 Ja 04
- b Ky. State librarian to purchase and distribute legislative manuals; library exchanges. p.326, 21 Mr 04
- c N. J. Amending '91 ch.18 §2 relating to legislative manual: distribution to public schools. 109, 28 Mr 04

77

Legislature

*See also 2455, Council (municipal)*

- a Cal. Submitting amendment to Const. 1879 art.4 §2, 23: session of Legislature to begin Monday after first day of *February* [formerly January]; pay limited to 80 [formerly 60] days; bills to be introduced during first 60 [formerly 50] days of session except on two thirds vote. *Rejected November 1904.* p.736, 13 Mr 03
- b Va. Regular session of Legislature to meet second *Wednesday in January 1904* [formerly first Wednesday in December 1889] and every second year thereafter; duties and privileges of members during session. Amending C. §194, 197-99. 458 (ex. sess.), 17 D 03

79

Election. Number. Apportionment. Vacancies

- a Ia. Submitting amendment to Const. 1857 art.3 §34-36: Senate to consist of 50 [formerly limited to 50] members; Assembly limited to 108 [formerly 100] representatives; reapportionment of representation. *Adopted November 1904.* p.208, 9 Ap 04
- b Va. Amending C. §60, 61, '02 ch.674 relating to apportionment of representation: term of senators; vacancies in Legislature. 323 (ex. sess.), 25 N 03

80

Apportionment: general laws

- a Ga. Submitting amendment to Const. 1877 art.3 §3: number of representatives limited to 183 [formerly 175]; reapportionment. *Adopted October 1904.* p.48, 27 Jl 04



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- b Ind. Apportioning senators and representatives. 206, 9 Mr 03  
*Unconstitutional. Unequal and not according to population.*  
Brooks v. State, 70 N. E. 980 (1904).

- c Ia. Reapportioning state into representative districts.

184, 13 Ap 04

- d Miss. Amending Const. 1890 §256: Legislature may at first session after *federal* census of 1900 [formerly state census of 1895] reapportion senators and representatives, and every 10 years thereafter. *Adopted November 1900; ratified by Legislature of 1904.*

202, 8 Mr 00

- e R. I. Referring to Legislature of 1905 amendment to Const. 1842 art.5 §1: House of Representatives to consist of 100 [formerly limited to 72] members; Legislature *to* [formerly may] reapportion representation after every United States [formerly or state] census, and divide each city and town into representative districts; no town or city to have more than *one fourth* [formerly one sixth] of whole number of members.

r.1, 13 Ap 04

84 United States senators

- a Ia. Requesting Congress to call constitutional convention to consider election of senators by direct vote.

p.209, 24 Mr 04

88

Special laws

*See also 2434. Municipalities*

- a Fla. Submitting amendment to Const. 1885 art.3 §20: Legislature may not pass special or local laws; exceptions. *Rejected November 1904.*

p.643, '03

- b Ill. Amending Const. 1870 art.4 by adding §34: Legislature may pass special laws for reorganization of Chicago government, subject to approval by vote of people. *Adopted November 1904.*

p.358, 22 Ap 03

- c S. C. Referring to Legislature of 1905 amendment to Const. 1895, by adding article of amendment: Legislature may pass local and special laws relative to construction and working of roads and highways, also relative to drainage.

384, 18 F 04

- d Tenn. Submitting amendment to Const. 1870 art.11 §13: Legislature may enact local road, fence and stock laws. *Rejected November 1904.*

532, 2 Ap 03

90

Members of Legislature

- a O. Salary of legislators \$1200 [formerly \$600]. Amending R. S. §40.

p.316, 25 Ap 04

- b S. C. Mileage of assemblyman 5 [formerly 10] cents. Amending C. C. §14.

220, 20 F 04



## 95 Internal organization

## 97 Committees

- a **Mass.** Committee of ways and means of House of Representatives may regularly employ first clerk in auditor's department as clerk. 440, 8 Je 04
- b **O.** Amending R. S. §871 as to time of redemption of county bonds issued for rebuilding certain county buildings. p.117, 20 Ap 04
- c **R. I.** Joint committee on engrossed acts may employ clerk at \$600 [formerly \$400] salary. Amending '03 p.186. 1152, 30 Mr 04

## 100 Officers and employees

- a **Ala.** Providing for employees of Legislature: prescribing method of appointment or election, compensation and tenure. p.27, 26 Ja 03
- b **Ala.** Officers or clerks of Senate or House may employ assistants with authority of presiding officer. p.30, 26 Ja 03
- c **R. I.** Certain committees of Senate and House may employ clerks at \$500 a year. Amending '02 ch.1003. 1139, 19 F 04

## 102 Records

- a **Ala.** Amending C. §2240 as to filing legislative journals. p.241, 18 S 03

## 105 Legislative procedure

## 106 Bills

- a **Mich.** Submitting amendment to Const. 1850 art.4 by repealing §28, which limited introduction of new bills to first 50 days of session. *Adopted November 1904.* p.427, '03

## 113 Sessions

- a **Ia.** Submitting amendment to Const. 1857 art.12 by adding §16: Legislature to meet in January 1907 and biennially thereafter; [Legislature now meets in even years]. *Adopted November 1904.* p.207, 7 Mr 04
- b **S. C.** Referring to Legislature of 1905 amendment to Const. 1895 art.3 §9: sessions of Legislature after 1900 to be held *biennially* [formerly annually]. 383, 11 F 04

## 115 Direct legislation

- a **Mass.** Referring to Legislature of 1904 amendment to Const. 1780 by adding article: any constitutional amendment proposed by 50,000 voters (but 25,000 from any 1 county) approved by 15 senators and majority of representatives, shall be submitted to people at next general election; on approval by majority of voters to be submitted to people at succeeding state election,



and if approved by two thirds vote to become part of Constitution; rejected amendment may not be proposed again for 3 years. *Not repassed in 1904.* p.583, 5 Je o

- b** Mo. Amending Const. 1875 art.4 §1: legislative power inherent in electors of municipal divisions, subject to general laws; referendum may be demanded by 10% of voters of each congressional district within 90 days after adjournment of Legislature; only appropriation acts, laws for immediate preservation of public peace health and safety laws passed by two thirds vote may become operative within 90 days after adjournment; initiative of laws on petition of 15% of voters of state, and of constitutional amendments on petition of 20% of voters of each congressional district *Rejected November 1904.* p.280, 'o

## 116 Citizenship. Civil and political rights

*See also 128, Suffrage*

### 122 Civil rights

*See also 1238, Race distinction*

- a** Or. Referring to Legislature of 1903 amendment to Const. 185 art.1 §35, which prohibited negroes from residing in state. *Re passed in 1903 but no provision for submission.* p.479, 12 F o

## 125 Elections. Political parties

*See also for term of office, vacancies etc., the various officers under state and local government*

### 126 General

- a** Ala. General election law. 41p. p.438, 9 O o
- b** O. General election law. 66p. p.185, 23 Ap o
- c** Va. Amending C. ch.9, relating to elections of state, county district and city officers. Repealing C. §99. 482 (ex. sess.), 18 D o
- d** Va. Revision of C. ch.10 relating to elections. 587 (ex. sess.), 11 Ja o

## 128 Suffrage; qualifications

### 129 General qualifications

- a** La. Amending '98 ch.202 §2-3 as to qualifications of voters for elections called to submit question of special levy for improvements. 23, 17 Je c
- b** Va. Persons qualified to vote at general elections may vote at any special or local option election. Amending C. §62. 115, 12 Mr c



## CONSTITUTIONAL LAW ELECTIONS

130

**Property. Poll tax**

131

**Poll tax**

- a Va.** County treasurer to furnish to clerk of Circuit Court list of residents who have paid state poll tax, according to Const. 1902 §38. 596 (ex. sess.), 12 Ja 04
- b Va.** Certificate of prepayment of poll tax to be evidence of right to vote, on transfer of voter from one locality to another: local treasurer to furnish same. 193, 15 Mr 04

142

**Residence**

- a N. Y.** Referring to next Legislature amendment to Const. 1894 art.2 §1 as to residence qualifications in a city comprising more than 1 county. p.1935, 14 Ap 04

145

**Soldiers home inmates**

- a Id.** Submitting amendment to Const. 1889 art.6 §5: inmates of soldiers homes to be legal voters in county where home is situated. *Not properly adopted by Legislature so not submitted to people.* p.449. 11 F 03

149

**Corrupt practices. Election offenses***See also 167, Offenses*

150

**Corrupt practices acts**

All laws requiring candidates or committees to file a statement of election expenses are included under this head. These laws often include miscellaneous election offenses.

- a Mass.** Amending R. L. ch.11 §297-99, 301, 305 relative to filing and inspection of statements of election expenses. Repealing §300. 375, 25 My 04
- b Mass.** Amending R. L. ch.11 §285, 287-88 relating to expenses of candidates for public office. 380, 25 My 04

151

**Corruption and miscellaneous offenses**

- a Mass.** Employees of manufacturing, mechanical or mercantile establishments to be allowed 2 hours leave of absence after opening of polls *on application during such period.* Amending R. L. ch.11 §5. 334, 13 My 04
- b Mass.** Defining penalties for corrupt practices in elections not specially determined by law. Amending R. L. ch.11 §420. 375, 25 My 04
- c N. Y.** Amending liquor law '96 ch.112 §31 subdiv.c restricting sales on election days; special election for legislative office within city excepted. 205, 4 Ap 04
- d S. C.** Unlawful to sell or give liquor on election day; penalty. 231, 20 F 04



## Nominations

153-60

### N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

153

#### Bribery

*See also 250, Crimes against the government*

- a Va. Amending C. §3853 relating to bribery of voters at election: fine of \$100-\$1000 [formerly \$20-\$100] or imprisonment in jail from 1-12 months. 551 (ex. sess.), 2 Ja 04

155

#### Illegal voting

- a Mass. Penalty for attempt to register or vote illegally. Amending R. L. ch.11 §385, 390. 310, 9 My 04

160

#### Nominations. Parties

- a Ala. General primary election law. 10p. p.356, 1 O 03
- b La. Unlawful for party committees to meet sooner than 120 days prior to election: fixing time of meeting of state and local committees; secretary of state to reject nominations in violation of act. 115, 5 Jl 04
- c Mass. Provisions of '03 ch.454 requiring joint caucuses for all political parties must be submitted to vote of annual town meeting. 41, 5 F 04
- d Mass. Regulating appointment of caucus officers by city and town committees, preliminary to holding political caucus for election of delegates to national convention. 179, 23 Mr 04
- e Mass. Amending R. L. ch.11 §119 relative to manner of voting for ward committees. 201, 31 Mr 04
- f Mass. Cities may adopt provisions of '03 ch.454, providing for joint caucuses or primaries of political and municipal parties, at any state or city election; regulations. 377, 25 My 04
- g Miss. Generally amending '02 ch.66, §3, 5, 9-10, 12, 22 regulating primary elections: candidate without opposition to be declared nominee; appointment of precinct officers. 129, 9 Mr 04
- h N. J. Amending '03 ch.248 §2, 4, 7, 16, 17, 20 relative to primary elections: selection of delegates from wards, township or borough without wards [formerly election district]. 241, 5 Ap 04
- i O. Amending R. S. §2916-19, 2921-21a relating to conduct of party primary elections. p.439, 26 Ap 04
- j Or. Providing for direct primary elections law. 48p. Proposed by initiative petition and adopted June 6, 1904.
- k Wis. Providing for party nominations by direct vote; exceptions; nomination papers for state office or United States senator to be signed by 1% of party vote in state at last presidential election, for congressional representative, by 2% of vote in district, 3% of district vote for offices of lesser area, 2% of state vote for nonpartizan candidates; conduct of primaries; registration; voting; State Board of Canvassers to serve for primaries; party committees and platform; penalties. Adopted November 1904. 451, 23 My 03



## CONSTITUTIONAL LAW ELECTIONS

### 163 Certificates. Vacancies. Filing of nominations

- a N. J. Amending '98 ch.139 §42 as to time for filing certificates of nominations and petitions. 242, 5 Ap 04
- b N. Y. Amending election law, '96 ch.909 §61 as to publication of nominations for *other than town offices*. 74, 18 Mr 04

### 166 Nomination papers. Independent nominations

- a Mass. Amending R. L. ch.11 §109 prescribing form of nomination papers. 275, 30 Ap 04

### 167 Offenses

*See also 149, Corrupt practices*

- a Ga. Misdemeanor to buy or sell vote at primary election. p.97, 13 Ag 04
- b O. Defining and punishing certain offenses at primary elections and nominating conventions. p.107, 20 Ap 04

### 170 Districts. Notices. Days

#### 171 Days. Hours

- a Ia. Submitting amendment to Const. 1857 art.12 by adding §16: general elections to be held in November 1906 and *biennially* [formerly annually] thereafter. *Adopted November 1904*. p.207, 7 Mr 04
- b N. Y. Villages under 3000 by special vote may hold annual election any Tuesday in June; exception. Amending village law '91 ch.414 §55. 231, 5 Ap 04
- c O. Judicial and public officials previously elected in April to be elected in *November*; beginning of term of office; provision for election of school boards and directors on same day. Amending R. S. §483, 567, 581, 1442, '02 p.20 §222-23 (ex. sess.). p.37, 17 Mr 04
- d O. Submitting amendment to Const. 1851 by adding art.17: elections of state and county officers to be held Tuesday after first Monday in November in even years; of other elective officers, in odd years. *Vote November 1905*. p.640, 18 Mr 04

### 174 Ballots. Voting

#### 175 General. Ballot reform

- a Ky. Submitting amendment to Const. 1891 §147: elections by people to be *viva voce* [formerly by secret official ballot]; election officers to make public record according to direction of voter. *Vote November 1905*. 30, 14 Je 04
- b Md. Amending C. art.33 §50, 114A relative to form of ballots and instructions given to voters: 17 counties excepted. 339, 12 Ap 04

#### 177 Ballot boxes

- a N. Y. Amending election law '96 ch.909 §16, 86 providing for ballot boxes to be used at town elections. 733, 14 My 04



**187**

**Registration**

- a **Ky.** Extending to cities of 5th and 6th class provisions of '92 ch.65 art.4 §1, 3 relating to registration: duplicate certificates. 6, 11 F 04
- b **Va.** Person denied registration may appeal to Circuit Court or Corporation Court of city on presenting petition within 10 days; procedure. 327 (ex. sess.), 28 N 03
- c **Va.** Generally amending C. ch.8 relating to registration. Repealing §63, 66. 346 (ex. sess.), 8 D 03
- d **Va.** Provision for revision of registration books on change of ward boundaries. Amending '03 ch.112 (ex. sess.). 131, 12 Mr 04

**189**

**Days. Hours**

- a **Md.** County boards of registry to make new general registration in 1906 [formerly 1896] and at intervals of 8 years, prior to each alternate presidential election. Amending C. art.33 §25. 254, 12 Ap 04
- b **Miss.** City authorities may fix days for registration of voters. Amending Ann. C. '92 §3029. 158, 22 Mr 04

**190**

**Lists. Transfers**

- a **La.** Each parish registrar to file list of voters as *permanent registration roll* [formerly new registration to be made every year in which general election was held]. Amending '98 ch.199 §2. 118, 5 Jl 04
- b **Va.** Providing for preservation of permanent registration rolls prepared by county boards of registration appointed by constitutional convention of 1901, also for transfer of voters on said rolls. 326 (ex. sess.), 28 N 03

**192**

**Election officers**

- a **Ia.** Providing for payment of special policemen at elections. Amending C. §1129. 39, 31 Mr 04
- b **Ky.** Circuit Court clerk of county containing no city of 2d class to act on Board of Election Commissioners, with powers of sheriff. Amending '00 ch.5 §2 (ex. sess.). 93, 22 Mr 04
- c **N. J.** Amending '98 ch.139 §15, 17 relating to district boards of registry and election: date of appointment; term of office. 235, 5 Ap 04
- d **N. Y.** Amending election law, '96 ch.909 §12 as to removal of election officers in cities of 250,000. 70, 17 Mr 04
- e **N. Y.** Amending election law '96 ch.909 §14 as to supplying vacancies and absences of election district officers. 487, 28 Ap 04
- f **O.** Amending R. S. §2926b as to date of appointment of members of city boards of election. p.79, 7 Ap 04



- g Va.** Repealing '03 ch.70 relating to appointment of town registrars and judges of election. 396 (ex. sess.), 10 D 03
- h Va.** Repealing C. §208 requiring certificates of election to be sent to city and county electoral boards on election by Legislature. 458 (ex. sess.), 17 D 03
- i Va.** Amending C. §1022 relating to appointment of town registrars and judges of election. 538 (ex. sess.), 31 D 03

194

**Canvass. Contests**

195

**Count. Canvass. Returns***See also 192, Election officers*

- a Mass.** Amending R. L. ch.11 §267 regulating recount of votes cast at primaries and elections: *Boston excepted.* 293, 3 My 04

196

**Contests**

- a Ia.** Amending C. §3656 as to time of trying appeal cases in contested elections. 122, 7 Mr 04
- b Va.** Defining procedure in contested elections of state officers: governor, lieutenant governor, attorney general, *superintendent of public instruction, secretary of commonwealth, state treasurer and commissioner of agriculture and immigration.* Amending C. §157-61. 363 (ex. sess.), 10 D 03

199

**CRIMINAL LAW**

Penal Code and Code of Criminal Procedure

202

**Criminal procedure**For laws applying to both civil and criminal procedure, *see* 605, Civil procedure

203

**Apprehension, prosecution, indictment**

204

**Apprehension**

- a Va.** Amending C. §3955-56 relating to issue of process of arrest: arresting officer to bring prisoner and return warrant to police justice. 529 (ex. sess.), 31 D 03
- b Va.** Amending C. §3956, 3958 as to return of warrant of arrest for misdemeanor. 103, 11 Mr 04

206 **Reward**

- a Ky.** Amending '80 ch.1590 §2 as to rewards of *peace officers* for arrest of horse thieves. 47, 21 Mr 04

209

**Bail**

- a Mass.** Default to be recorded and *process to issue to bring defendant into court.* Amending R. L. ch.217 §35. 164, 19 Mr 04
- b N. J.** Judge of Criminal Court in city of 150,000 may fix bail not exceeding \$300 for violation of city ordinances. Supplementing '94 ch.305. 170, 29 My 04



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c N. Y. Bail may be taken by magistrate in county where defendant held. Amending Crim. P. §567. 202, 4 Ap 04

d S. C. Person charged before magistrate may deposit sum of money in lieu of recognizance. 204, 18 F 04

211 Habeas corpus

a O. Courts of county where state institution located to have jurisdiction over habeas corpus for inmate thereof. Adding §572a to R. S. p.318, 25 Ap 04

212 Prosecutions

a Minn. Submitting amendment to Const. 1857 art.1 §7: no person may be held to answer for criminal offense *without due process of law* [formerly unless indicted by grand jury, except in cases of impeachment, cases cognizable before justices of peace, or arising in army or navy or in militia in active service]. Adopted November 1904. 269, 18 Ap 03

213 Grand jury

a Ia. Grand jury in counties over 50,000 may appoint shorthand reporter as clerk; compensation. Amending C. §5256. 138, 30 Mr 04

b Va. Grand jury to consist of 9 to 12 [formerly 16 to 24] male citizens 21 to 60 years old, residents of state 2 years, county 1 year. Amending C. 3976-78. 549 (ex. sess.), 2 Ja 04

c Va. Special grand jury may be ordered by Circuit or Corporation Court at *special or* regular term. Amending C. §3978. 51, 7 Mr 04

215 Criminal trials

216 General

a Mass. Males and females not to be placed in same dock in police, district and municipal courts, unless accused jointly. 218, 9 Ap 04

b R. I. Justices of *either* [formerly Common Pleas] *division* of Supreme Court may appoint attorneys for indigent persons and fix compensation. Amending G. L. ch.285 §66, 67. 1153, 31 Mr 04

c Va. Amending '90 ch.101 relating to criminal docket of Circuit and Corporation Courts. 539 (ex. sess.), 31 D 03

d Va. Amending C. ch.197 §4016, 4018, 4023, 4047-48 relating to criminal trials and procedure: judge may try case without jury, if defendant plead guilty; disqualification; change of venue. 553 (ex. sess.), 2 Ja 04

217 Change of venue

a Va. Circuit or Corporation Court may order change of venue in criminal cases: motion by accused may be made in his absence by petition and acted on by judge in vacation. Amending C. §4036. 19, 15 F 04



- b Va.** Venue in criminal cases to be changed if governor called on for military protection to accused. Amending C. §4036.

190, 15 Mr 04

218

**Evidence**

219

**General and miscellaneous**

- a La.** Sheriffs may serve subpoenas in criminal matters in adjoining parish; regulations; penalty. 148, 5 Jl 04
- b N. Y.** Bond for appearance may be required of material witness for people in criminal cases; commitment on refusal. Adding §618b to Crim. P. 437, 27 Ap 04
- c O.** State's witness incriminating himself in proceedings against bucket shops or prosecution for illegal sale of liquors to be exempt from prosecution. Amending R. S. §7285. p.332, 25 Ap 04

220

**Competence**

- a Ala.** Wife to be competent witness against husband on charge of family desertion and nonsupport. p.32, 2 F 03

224

**Judgment. Sentence. Execution**

225

**Appeals. New trial**

- a Ky.** Amending Crim. C. §360 relating to appeals in criminal cases: mandate not to issue nor decision to be final till 30 days. 64, 21 Mr 04
- b Ky.** Amending Crim. C. §352 as to appeals by state from verdicts of acquittal in criminal cases. 65, 21 Mr 04
- c R. I.** Reasons for appeal need not be filed in criminal cases; appeal of defendant convicted for neglect of family or drunkenness to have precedence over criminal appeals in Supreme Court. Amending G. L. ch.249 §1-2, 5. 1149, 25 Mr 04
- d Va.** Amending C. §4050-52 relating to writs of error in criminal cases. 403 (ex. sess.), 10 D 03
- e Va.** Extending to criminal cases provisions of C. §3385 relating to bill of exceptions. 541 (ex. sess.), 31 D 03
- f Va.** Amending C. §3916 as to *appeal bond* of person arrested on complaint of intentional crime. 73, 7 Mr 04

226

**Expenses. Costs. Fines**

- a La.** Persons sentenced to imprisonment in default of payment of fine may obtain release on paying proportionate part of fine for unexpired term. 168, 5 Jl 04
- b Md.** Bonds taken by justice of peace and forfeited may be remitted in whole or part by governor on justice's or other recommendation. Amending C. art.41 §8. 552, 8 Ap 04
- c O.** Amending R. S. §1306-7 as to payment of costs of *chief of police* in criminal cases. p.10, 5 F 04



- d Va. Governor [formerly Legislature] may remit fines in criminal cases; exceptions; to report remissions to Legislature; procedure. Amending C. §738, 743. 385 (ex. sess.), 10 D 03
- e Va. Repealing C. §4199-4200 which defined power of governor to remit fines. 398 (ex. sess.), 10 D 03
- f Va. Repealing '03 ch.89 (ex. sess.) which prescribes cases in which governor may remit fines. 402 (ex. sess.), 10 D 03
- g Va. Providing for official receipts for fines: form; accounting; penalties for misappropriation. 124, 12 Mr 04
- h Va. Amending C. §723 relative to payment to court clerks of fines received by justices of peace. 230, 15 Mr 04

228

### Sentence. Execution

See also 363, System of sentencing and reform

- a Mass. Amending R. L. ch.77 §4 relative to disposition of bodies of murderers after execution: *warden of state prison* [formerly sheriff] to deliver to proper parties. 204, 2 Ap 04
- b W. Va. Amending C. ch.17 §10, 12, 16-17, relating to execution of judgments. 21, 12 Ag 04

230

### Jury

See also 725, Civil procedure

- a Va. Repealing '96 ch.128 which gives defendant in misdemeanor case right to waive jury trial. 522 (ex. sess.), 31 D 03
- b Va. Providing mode of selecting jurors for felony cases. Amending C. §4016, 4018. 17, 10 F 04
- c Va. Jurors for trial of felonies may be used for trial of misdemeanors and civil cases; peremptory challenge in trial of misdemeanors same as in civil cases; fee for writ of venire facias. Amending C. §4048. 82, 8 Mr 04

231

### Challenge

- a O. In capital cases prosecuting attorney entitled to 4 [formerly 2] peremptory challenges. Amending R. S. §7274. p.316, 25 Ap 04

233

### Criminal jurisdiction

- a Va. Amending C. §4106 relating to criminal jurisdiction of police and peace justices. 389 (ex. sess.), 10 D 03
- b Va. Police justices and justices of peace to have concurrent jurisdiction with Circuit and Corporation Courts over violations of election laws. Amending C. §4106. 103, 11 Mr 04

234

### Crimes and offenses

Penalties incidental to enforcement of statutes are not duplicated here, but references to them will be found in the subject index under Penalties

- a La. Grading penalties for misdemeanors and minor offenses. 107, 7 Jl 02. *Unconstitutional*. Includes larceny; embraces more



## CRIMINAL LAW CRIMES AND OFFENSES

than one subject; subject not within title. *State v. Dalcourt*, 36 S. 479 (1904).

- b Va. Amending C. §3888, 3902-3 as to punishment of certain criminal attempts and misdemeanors in cases tried by *court without jury*. 502 (ex. sess.), 31 D 03

## 236 Crimes against the government

### 238 Administration of justice

#### 240 Contempt of court

- a Va. Writ of error to judgments for certain contempts to lie to Supreme Court of Appeals. Amending C. §4053. 403 (ex. sess.), 10 D 03
- b Va. Amending C. §3768 defining certain contempts; repealing provisions as to indirect contempts. 194, 15 Mr 04

### 250 Bribery

*See also* 153, Elections

- a Ky. Bribery of public officials punishable by imprisonment of 1 to 5 years [formerly \$200 to \$1000 fine] and loss of suffrage. Amending '93 ch.182 §228. 46, 21 Mr 04
- b O. Fixing penalty for bribery of witness. Adding §6899b to R. S. p.281, 23 Ap 04
- c Va. Amending C. §3744-45 relating to bribery of officials: punishable by imprisonment in *penitentiary* [formerly jail] of from 1 to 10 years [formerly 1]. 510 (ex. sess.), 30 D 03

### 252 Flags: desecration

- a N. J. Misdemeanor to mutilate or use United States or state flag for advertising purposes. Supplementing '98 ch.235. 16, 2 Mr 04
- b N. Y. Misdemeanor to deface, defy or place on merchandise for sale flag or standard of United States or New York state. 272, 24 Ap 03. *Unconstitutional* as applied to existing articles. Deprives of property without due process of law. *People v. Van de Carr*, 70 N. E. 965 (1904).

## 256 Crimes against public order and security

*See also* 870, Public order

### 258 Disorderly conduct

- a Md. Party guilty of disorderly conduct to be committed to county jail not exceeding 30 days in default of payment of fine and costs. Amending C. art.27 §68. 118, 18 Mr 04
- b N. J. Amending '98 ch.239 §16, 40-42 relating to commitment of disorderly persons to workhouse or county penitentiary [formerly jail or penitentiary]; sentence limited to 1 year [formerly 90 days]. 203, 30 Mr 04



**260 Vagrancy**

- a Ala.** Defining and punishing vagrancy. Repealing C. §5628.  
p.244, 22 S 03
- b Ky.** Revision of law relating to vagrancy. 55, 21 Mr 04
- c La.** Municipalities may pass ordinances against vagrancy; term defined; limitation of fines and terms of imprisonment; prosecution. 178, 7 Jl 04
- d Mass.** Providing for appointment of additional member of detective department of District Police; to enforce laws relating to arrest of tramps. Amending R. L. ch.108 §1. 318, 9 My 04
- e Miss.** General vagrancy law. Repealing Ann. C. '92 §1322-25.  
144, 29 F 04
- f Va.** Amending C. §884-85 and repealing §886 relating to vagrancy: vagrant to be deemed a misdemeanor; on conviction, court may suspend sentence on defendant's giving bond of \$100 to \$500 and promise of good conduct for 1 year.  
548 (ex. sess.), 2 Ja 04

**262 Weapons**

- a Ky.** Prescribing penalty for drawing or waving deadly weapon in passenger coach. 59, 21 Mr 04
- b Md.** Amending C. art.27 §30 relative to carrying deadly weapons: fine \$1000 [formerly \$500] or imprisonment 2 years [formerly 6 months]; carrying with intent to assault. 114, 18 Mr 04

**264 Crimes against public morals and the family**

*See also* 895, Cruelty to children and animals; 929, Sunday observance

**266 Abortion**

- a S. C.** Providing for punishment of abortion. 354, 24 D 83.  
*Unconstitutional* as to §2 which provides punishment for persons advising commission of abortion. Subject not within title. *State v. Fields*, 46 S. E. 771 (1904).

**270 Bastardy**

- a Mass.** Minor amendment to R. L. ch.82 §1 relative to complaint for maintenance of bastard child. 159, 17 Mr 04
- b N. J.** Amending '98 ch.241 §10 as to commitment in bastardy proceedings. 35, 16 Mr 04
- c N. J.** New bond may be required of father of bastard if old sureties unsatisfactory; if discharged for inability to procure bond and subsequently able, court may order bond or commit to jail. Supplementing '98 ch.241. 222, 30 Mr 04
- d N. Y.** Defendant in bastardy proceedings to pay funeral expenses of bastard; father or mother, discharged for inability, to support when able. Amending Crim. P. §839, 850, 878.  
520, 29 Ap 04



**272 Bigamy***See also* 139, Suffrage

- a **La.** Wife or husband may be competent witness against other party in trial for bigamy. Amending '02 ch.185. 41, 25 Je 04

**280 Obscene literature**

- a **Mass.** *No part* [formerly one half] of fines in prosecutions for circulating obscene literature to go to complainant. Amending R. L. ch.212 §20. 120, 27 F 04
- b **Miss.** Amending Ann. C. '92 §1216 as to sale or distribution of obscene literature: maximum fine \$500 [formerly \$20] or imprisonment for 6 months [formerly 20 days]. 143, 22 Mr 04

**286 Rape**

- a **Md.** Assault with intent to have carnal knowledge of female under 14 punishable by 2 to 10 years imprisonment. Amending C. art.27 §16. 76, 18 Mr 04
- b **S. C.** Felony to assault with intent to ravish. 298, 12 Mr 04
- c **Va.** Deposition of female complainant in rape cases may be taken privately: attorneys for state and accused to be present and may cross-examine; if no appeal, to be destroyed. 18, 15 F 04

**288 Seduction**

- a **N. Y.** Action by father for seduction of minor daughter to survive to mother, who may recover actual and exemplary damages. Amending C. C. P. §764. 379, 26 Ap 04

292

**Crimes against persons****294 Abduction**

- a **Va.** Kidnapping for purposes of extortion punishable by *death* or by imprisonment of 8 to 18 [formerly 3 to 10] years. Amending C. §3676. 598 (ex. sess.), 12 Ja 04

**296 Assault**

- a **Ia.** Assault with intent to murder punishable by imprisonment limited to 30 [formerly 10] years. Amending C. §4768. 129, 10 F 04

308

**Crimes against property****310 Arson**

- a **La.** Penalty of 1 to 5 years' imprisonment at hard labor for burning or attempting to burn *any movable property of value*. Amending R. S. §847, '88 ch.114. 144, 6 Jl 04
- b **Md.** Generally amending C. art.27 §6, 7, 9, 12 and adding §12A, 291D relating to arson. 267, 12 Ap 04

**312 Burglary**

- a **S. C.** Safe-cracking made felony; life imprisonment unless jury recommends mercy. 212, 19 F 04



**318 Defrauding liverymen and hotel keepers**

- a Ky. Protection of liverymen: to keep register, showing distance to be traveled and time to be used; prosecutions. 127, 26 Mr 04

**320 Electric apparatus and power: water and gas mains and meters**

- a Ala. Amending C. §5623 relating to injury of telegraph and telephone lines. p.399, 6 O 03; p.513, 6 O 03
- b Ia. Larceny to steal electricity, gas or water from wires, mains or meters. 132, 30 Mr 04
- c Md. Fixing penalty for destroying or tampering with water meters, mains, canals etc. Adding §59C-D to C. art.27. 546, 8 Ap 04
- d S. C. Misdemeanor to interfere with fire and police alarm systems. 198, 11 F 04; 227, 19 F 04
- e S. C. Misdemeanor to divert electric current or tamper with meter. 223, 20 F 04
- f S. C. Misdemeanor to interfere with electric apparatus. 255, 25 F 04

**322 Embezzlement**

- a Ala. Amending C. §4661 relating to embezzlement; to include certain fiduciaries. p.40, 4 F 03
- b O. Embezzlement of property over \$35 punishable by 1 to 10 years imprisonment; under \$35, by \$200 fine or 30 days imprisonment or both; [formerly punishable as for larceny of thing embezzled]. Amending R. S. §6842. p.67, 1 Ap 04

**326 Injury. Trespass. Malicious mischief**

*See also* 468, Torts; 1908, Trespass (hunters)

- a La. Misdemeanor to enter plantation [formerly also farm, pasture or orchard lands or any inclosure] without expressed or implied consent of owner. Amending R. S. §822. 76, 4 Jl 04
- b Mass. Nuts, berries or grapes, also ferns, flowers or shrubs not to be taken without owners consent; penalties. Amending R. L. ch.208 §99. 444, 8 Je 04

**328 Larceny**

- a Ia. Fixing penalties for larceny of domestic fowl or poultry at night. 133, 12 Ap 04
- b Ky. Felony to steal fowl valued at \$2. 29, 17 Mr 04
- c La. Fixing penalty for stealing or attempting to steal from person of another. 133, 5 Jl 04
- d Va. Larceny for fiduciary to remove property and refuse to disclose location thereof. Amending '98 ch.334. 223, 15 Mr 04

**330 Receiving stolen goods**

- a N.J. Misdemeanor to retain stolen goods *whether crime committed in or out of state*. Amending '98 ch.235 §166. 193, 29 Mr 04

**332 Robbery**

- a Ky. Making bank robbery or safe-blowing a felony. 43, 19 Mr 04



334 **Miscellaneous**

- a **Ia.** Amending C. 4807 providing for punishment of malicious injury to highway, bridges, electric railways, etc. 130, 30 Mr 04
- b **Ia.** Misdemeanor to wantonly injure or deface property of public libraries and reading rooms. 131, 31 Mr 04
- c **Ky.** Felony to break open box of common carrier with intent to steal. 44, 19 Mr 04
- d **Mass.** Fixing penalties for injury to personal property not covered by R. L. ch.208. 305, 6 My 04
- e **Mass.** Gratuities not to be received by or given to agents, employees or servants to influence action; penalties; witnesses not excused from testifying but exempt from prosecution therefor. 343, 14 My 04
- f **N. J.** Misdemeanor to tamper with *steam or electric* railway. Amending '98 ch.235 §76. 78, 28 Mr 04
- g **S. C.** Misdemeanor to alter teeth of horses for deception. 283, 1 Mr 04
- h **Va.** Fixing penalties for malicious removal of waste or packing from journal boxes of locomotives used on steam or electric railroads. 90, 10 Mr 04
- i **Va.** Malicious shooting or throwing of missiles at cars, or boats to be punished by 5 to 10 years' imprisonment; where act is not malicious, imprisonment 1 to 3 years, and fine \$100 to \$500. 170, 14 Mr 04

335

## Corrections

*See also* 60, State institutions; 2140, Charities

340

## Penal institutions

- a **Mass.** State Board of Prison Commissioners may prepare manual of laws relating to prisons; \$400. r.53. 21 Ap 04

341

### State prisons: government and maintenance

- a **Ia.** Amending C. §5685, 5685a relating to disposition of gate receipts of state penitentiaries: Board of Control of State Institutions may use funds for lectures or entertainment of prisoners, or for use of other institutions under their control. 140, 6 Ap 04
- b **La.** Board of Control of Louisiana State Penitentiary at Baton Rouge may sell certain property in city and expend proceeds to establish manufacturing plant; report to Legislature of 1906. 156, 5 Jl 04
- c **Miss.** Amending Ann. C. '92 §3168 changing day and place of meeting of penitentiary board of control. 160, 22 Mr 04
- d **N. J.** State Prison supervisor, keeper and Board of Inspectors to constitute building commission to enlarge State Prison; regulations; expenditure limited to \$335,000. 98, 28 Mr 04



**342 Prison officers**

- a** Ia. Amending C. §5663, 5669, 5711, 5716 providing for appointment of assistant deputy wardens for state penitentiaries. 139, 13 Ap 04
- b** Ia. Penitentiary guards and turnkeys to receive salaries graded according to service. Amending C. §5716. 141, 12 Mr 04
- c** Ky. Salary of penitentiary guards \$75 [formerly \$60] a month. Amending '98 ch.4 §19. 106, 24 Mr 04
- d** Md. Salary of penitentiary warden \$4000 [formerly \$3000]. Amending C. art.27 §397. 469, 8 Ap 04
- e** N. Y. Abolishing position of keeper in the several state prisons and creating that of guard; salary graded according to length of service. Amending R. S. pt4 ch.3 t.2 §30, 34, '89 ch.382. 709, 11 My 04
- f** Wash. Submitting amendment to Const. 1889 art.1 §11: Legislature may appoint chaplains for state penal and reformatory institutions. *Adopted November 1904.* 147, 16 Mr 03
- g** W. Va. Amending C. ch.163 §10 providing for appointment of penitentiary guards. 20, 12 Ag 04

**343 Reform schools and reformatories**

**345 Institutions for women and girls**

- a** Ia. Amending '00 ch.101 §1 as to support of Industrial School for Girls at Mitchellville. 143, 9 Ap 04
- b** N. J. Continuing commission appointed in 1903 to report on advisability of state reformatory for women: to report also on number of women committed to correctional institutions by judges or probation officers, also as to work required of women in penal institutions. p.510, 28 Mr 04
- c** N. Y. Amending state charities law '96 ch.546 §142 relating to managing boards of houses of refuge and reformatories for women controlled by state: board of managers to constitute board of parole: to parole and discharge inmates. 165, 28 Mr 04
- d** N. Y. Women of 15 to 30 convicted of *vagrancy* may be committed to House of Refuge at Hudson, House of Refuge at Albion or State Reformatory for Women at Bedford: term *limited to 3 years*; transfers of inmates. Amending state charities law '96 ch.546 §146, and adding §147a. 169, 28 Mr 04
- e** N. Y. All female children under 12 convicted of felony, or from 12 to 16 of misdemeanor, not sentenced to state prison, to be confined in New York State Training School for Girls [formerly Western House of Refuge for Juvenile Delinquents] when convicted outside of 1st, 2d and 3d judicial districts. Amending Pen. C. §701. 388, 26 Ap 04



- f N. Y.** Amending state charities law '96 ch.546 §140 subdiv.1 relative to commitments to Western House of Refuge for Women at Albion, and New York Reformatory for Women at Bedford; reorganization of House of Refuge for Women at Hudson and change of name to New York State Training School for Girls; commitment; employment; discharge. Adding §131-39c.

453, 28 Ap 04

- g O.** Girls may be detained in Girls Industrial Home at Rathbone till 21 [formerly 18] years. Amending R. S. §773.

p.259, 23 Ap 04

### 346 Reform schools

- a La.** Establishing State Reform School for reception of male convicts under 18, not guilty of capital offenses; managing board of 3 commissioners to be appointed by governor with consent of Senate; annual report to governor. .

173, 5 Jl 04

- b N. Y.** State Industrial School at Rochester and House of Refuge for Juvenile Delinquents of New York city to receive all *male* children under 16 committed as vagrants or for any criminal offense; transfers of inmates. Amending state charities law '96 ch.546 §120-21, 124-29.

167, 28 Mr 04

- c N. Y.** *Male* juvenile delinquents may be sentenced to State Industrial School at Rochester; regulations. Amending '93 ch.470 §3.

221, 4 Ap 04

- d N. Y.** All *male* children under 12 convicted of felony, or from 12 to 16 of misdemeanor not sentenced to state prison to be confined in *State Industrial School* [formerly Western House of Refuge for Juvenile Delinquents] when convicted outside of 1st, 2d and 3d judicial districts. Amending Pen. C. §701.

388, 26 Ap 04

- e N. Y.** Designating commission to select site for New York State Training School for Boys, within 50 miles of New York city on abandonment of House of Refuge for Juvenile Delinquents on Randall's island; report to Legislature of 1905.

718, 11 My 04

- f O.** Trustees of Boys Industrial School near Lancaster may parole inmates subject to recall for violation of parole. Adding §757b to R. S.

p.23, 2 Mr 04

- g W. Va.** Amending C. ch.45 §98d subsec.2, 6, 16 relating to West Virginia Reform School: board of directors; commitment fees; per capita appropriation for support; tax apportionment. Adding §17-19.

22, 12 Ag 04

### 347 Reformatories

- a Mass.** Officers from jails and houses of correction may be transferred as watchmen to *temporary industrial camp for prisoners*. Amending R. L. ch.225 §10.

214, 9 Ap 04

- b Mass.** Regulation of temporary industrial camp for prisoners: State Highway Commission and State Board of Agriculture to



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furnish information as to work; parole; escapes; prisoners' aid.  
Repealing R. L. 225 §66. 243, 20 Ap 04

- c O. Superintendent of Ohio State Reformatory may expend 50% of gross receipts of earnings of inmates to establish manual training schools; monthly reports by superintendent to auditor of state. Amending R. S. §7388 subdiv.25. p.82, 15 Ap 04

348 Local institutions

349 County and township jails and workhouses

- a Mass. Repealing R. L. ch.224 §34-37 relative to recovery of sums expended for support of county convicts. 211, 9 Ap 04
- b N. Y. Book containing record of commitments to county jails *to be public record*. Amending county law '92 ch.686 §95. 83, 18 Mr 04
- c O. Sheriffs *may* [formerly shall] appoint *not exceeding* 3 jail matrons in *any* [formerly Cuyahoga] county; salary *limited to* \$60 a month; to have care of *insane*, also women and minors. Amending R. S. §7388a-c. p.86, 15 Ap 04
- d O. Amending R. S. §1536 subdiv.377 providing for joint erection of workhouse by county commissioners and city or village authorities: organization of joint board of managers. Repealing '86 p.265. p.448, 26 Ap 04
- e O. Any board authorized to manage workhouse may regulate discharge, *parole and recommitment* of prisoners. Amending R. S. §1536 subdiv.373. p.488, 26 Ap 04
- f Va. Amending C. §927, 929-30, 934 relative to county jails. 410 (ex. sess.), 10 D 03

350 Municipal jails. Police matrons

- a N. Y. Town board may lease house of detention or lockup. Amending town law '90 ch.569 §192. 68, 11 Mr 04

352 Convicts (commitment, management)

353 Commitment. Discipline. Transportation

- a Ia. Five years' imprisonment in penitentiary for bringing or attempting to bring into state reformatory or penal institutions narcotics, liquors, weapons or articles to aid escape. 134, 7 Mr 04
- b O. Governor on application of superintendent of Boys Industrial School near Lancaster may transfer inmates over 16 years to Ohio State Reformatory at Mansfield in certain cases. Adding §761a to R. S. p.24, 2 Mr 04; p.522, 2 Mr 04
- c O. Misdemeanor to convey to persons in penitentiaries, jails or other place of lawful confinement liquors or certain narcotic drugs. Amending R. S. §6902. p.120, 20 Ap 04
- d O. Officer transporting boy to Boys Industrial School to receive 5c mileage each way. Amending R. S. §759. p.319, 25 Ap 04



**154 Convict labor****155 General state account system**

- a Ala.** Defendant charged with misdemeanor [formerly or felony other than capital] may elect to perform hard labor; if acquitted to receive payment. Amending C. §5239. p.239, 18 S 03
- b Va.** Convicts may be used for certain work on state capitol: regulations. 232, 15 Mr 04

**156 Contract and lease system**

- a Ga.** Prison commission may contract for labor of male convicts unemployed at State Farm; funds to be paid into state treasury. p.763, 13 Ag 04

**157 County and municipal convicts**

- a La.** Police juries of respective parishes may hire out prisoners in parish jail to work on public works or farms and may also regulate care, detention and compensation; contracts. 191, 7 Jl 04
- b Va.** Amending C. §3932-33 relating to establishment and regulation of county chain gangs: corporal punishment. 485 (ex. sess.), 24 D 03

**160 Special industries**

- a Ala.** State Board of Convict Inspectors may employ convicts in mining coal. p.86, 26 F 03
- b Ala.** State Board of Convict Inspectors on approval of governor may sell agricultural lands worked by convicts and buy others. p.393, 6 O 03

**161 Criminal insane**

- a Ga.** Insane convicts to be cared for at State Farm during remainder of sentence or till recovery; proviso. p.107, 12 Ag 04
- b Mass.** Persons under indictment may be committed to insane asylum for investigation as to mental condition. Amending R. L. ch.219 §11, 12. 257, 25 Ap 04
- c N. Y.** State Commission in Lunacy may transfer certain insane convicts and previous insane inmates of penal institutions manifesting criminal tendencies to Matteawan State Hospital. Amending insanity law '96 ch.545 §90, 97, 101. 525, 29 Ap 04

**163 System of sentencing and reform. Parole. Pardon**

- a Ia.** Joint legislative committee of 3 members to investigate working of indeterminate sentence and Elmira Reformatory systems; report to Legislature of 1906; \$500. p.211, 12 Ap 04
- b Mass.** Amending R. L. ch.220 §16 relative to sentencing of female convicts to hard labor: repealing provision which related to term of imprisonment. 224, 11 Ap 04



## Sentencing and reform

363-71

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- c N. J. Discretionary power given to police justice as to penal within maximum limit prescribed by city ordinance. 145, 28 Mr

#### 367 Discharge

- a Ala. Amending C. §4551 as to furnishing transportation to charged convicts. p.404, 6 O
- b Va. Amending C. §4147 as to free transportation furnished convicts on discharge. 391 (ex. sess.), 10 D

#### 368 Habitual criminals

- a Mass. Amending R. L. ch.220 §21 relative to habitual criminals on third conviction to be sentenced *to maximum term* [formerly 25 years] *for crime of which convicted*. 303, 6 My

#### 369 Identification. Records

- a Mass. Felons must, and tramps or vagrants under sentence may be measured by state or county officer according to Bertillon system. Amending R. L. ch.225 §18. 241, 16 Ap

#### 370 Indeterminate sentence

- a Kan. Providing for indeterminate sentences to state penitentiary. 375, 13 Mr 03. *Unconstitutional* as to one convicted before passage of act. Ex post facto legislation. *State v. Tyree*, 77 290 (1904).

#### 371 Juvenile offenders. Juvenile courts

*See also* 346, Reform schools; 374, Probation; 2172, Children

- a Ia. District Court to have exclusive jurisdiction of all dependent, neglected and delinquent children under 16; appointment of probation officers to serve without pay; place of detention for child awaiting trial to be furnished by city or county; no child under 17 to be detained in jail; commitment to institution of same religious belief; Board of Charities to have supervision of institutions receiving juveniles; annual reports by District Court and juvenile institutions to board. 11, 7 Ap
- b Md. Female minors may be committed to juvenile institution till 21 [formerly 18]. Amending C. art.42 §18. 98, 18 Mr
- c Md. Amending C. art.42 §18 relating to procedure in commitment of minors to juvenile institutions: commitment allowed where home environment is vicious and depraved; females to be committed to 21 [formerly 18] years. 291, 7 Ap
- d O. Establishing juvenile court and probation system: court to have original jurisdiction of dependent, neglected and delinquent children under 16; appointment of paid probation officers; no child under 12 to be detained in jail; place of detention to be furnished by city or county; commitment to institution of same religious belief; Board of Charities to have supervision of institutions receiving children; annual report of institutions to board.

p.561, 5 My



## CIVIL LAW PROPERTY

- e Va.** Minors under 18 charged with crime, vagrancy, disorderliness, or incorrigibility may be committed till majority to custody of Prison Association of Virginia; powers; release or pardon by governor. 60, 8 Mr 04

**372 Parole**

- a Mass.** Amending R. L. ch.85 §39 relative to release on permit of prisoners resented to State Farm. 216, 9 Ap 04
- b Va.** Amending '98 ch.685, '03 ch.192 (ex. sess.) relating to conditions of parole: *board of directors of penitentiary* [formerly governor on petition of convict] may parole, if employment assured; parole of convicts sentenced on 2 or more convictions. 68, 7 Mr 04

**74 Probation**

*See also 371, Juvenile offenders*

- a N. J.** Probation officers may arrest on sight person violating terms of probation; certificate of former, sufficient warrant for detention till court hearing; sentence or recommitment to probation officer; no sentence for offense 3 years after original conviction. Supplementing '00 ch.102. 132, 28 Mr 04

**CIVIL LAW**

Civil Code and Code of Civil Procedure

**Property**

*See also 490, Family property*

**Real property****Land tenure****General. Titles**

*See also 741, Special actions*

- N. Y.** Rural residences with appurtenance of 100 acres may be registered under designation with secretary of state; filing and fee. 702, 11 My 04

**Eminent domain. Condemnation proceedings**

*See also 1297, Railways; 1416, Telegraph and telephone; 2026, Mines; 2554, Local improvements; 2649, Water; 2663, Sewerage*

- Ala.** Amending C. §1713-14, 1717-20 relating to condemnation proceedings: several owners to have separate hearings; land subject to public use not to be taken unless necessary; appeals; bonds. p.374, 1 O 03

- Ill.** Extending right of condemnation to public mills and machinery other than gristmills, and providing regulations for conduct of such mills. p.563, 22 Mr 72. *Unconstitutional* in so far as authorizes taking of private property for such purposes. Private property not to be taken for other than public purposes. *Gaylord v. Sanitary Dist. of Chicago*, 68 N. E. 522 (1903).



- c Ia. State may condemn land for state buildings on approval of Executive Council; damages. 71, 13 Mr 04
- d Mass. State or local governments may tender payment for property taken by eminent domain; may be taken in full or pro tanto satisfaction. 317, 9 My 04
- e Mass. General act regulating eminent domain by state or cities for public highways, squares, parks, playgrounds. 443, 8 Je 04
- f O. Amending R. S. §6437 as to time for filing bill of exceptions and petition in error in condemnation proceedings by corporation. p.44, 21 Mr 04
- g Va. Amending '03 ch.270 pt3 §2 subdiv.f (ex. sess.) relating to condemnation proceedings by telephone, telegraph, canal and turnpike corporations. 543 (ex. sess.), 31 D 03
- h Va. General law regulating eminent domain. 9p. 608 (ex. sess.), 18 Ja 04

383

**Escheat**

- a Va. Amending C. §2386 as to costs of publication of escheator's certificate. 375 (ex. sess.), 10 D 03

384

**Estates in lands**

- a Md. Estate to which particular estate pertains may be mortgaged on application to Chancery Court, if other parties inbeing be joined; mortgage to bind all parties inbeing or not; procedure. Adding §198A to C. art.16. 563, 8 Ap 04
- b N. J. Remainder-man may apply for receiver if particular tenant neglects to maintain estate or to pay taxes; procedure; powers of receiver; reinstatement of tenant. 182, 29 Mr 04

385 **Partition**

- a Md. Verbal amendment to C. art.16 §116, relating to partition proceedings. 535, 8 Ap 04
- b O. Amending R. S. §5761 relating to amicable partition of real estate. p.287, 23 Ap 04
- c Va. Amending C. §2562 as to jurisdiction of partition of lands between tenants in common, joint tenants and coparceners. 521 (ex. sess.), 31 D 03

386

**Property lines**

- a O. Damage to adjoining buildings by excavation below curb or established grade of street to be recovered by civil action against owner or possessor of land. Amending R. S. §2676-77. p.323, 25 Ap 04

387 **Fences. Lawful fences**

- a N. J. City authorities may regulate fences between lands; compensation for damages. 144, 28 Mr 04
- b O. Generally amending R. S. pt2 t.5 ch.3 relating to partition fences. p.138, 21 Ap 04



## CIVIL LAW PROPERTY

- c Va.** Amending C. §2048 as to change of fence law by board of supervisors. 540 (ex. sess.), 31 D 03

388 **Wire fences**

- a Ga.** Amending C. §1764 defining lawful wire fence. p.64, 12 Ag 04

392 **Conveyance**

*See also* 404, Mortgages; 447, Guardianship; 490, Family property; 512, Corporations; 835, Tax on deeds

- a La.** Providing method by which industrial plants may become immovable by destination and form part of such real estate for purposes of mortgage and sale only. 30, 23 Je 04; 187, 7 Jl 04
- b N. J.** Conveyance made by sheriff or other officer in attachment need not be acknowledged; valid if property indorsed and recorded. Amending '98 ch.232 §52. 43, 22 Mr 04

393 **Acknowledgments**

*See also* 693, Special commissioners

- a N. J.** Lack of seal not to void various deeds and instruments provided attestation and acknowledgment or proof recite sealing and signing; corporations excepted. Supplementing '98 ch.232. 89, 28 Mr 04
- b N. Y.** Acknowledgment and proofs of conveyance of real estate without the United States *may be made by secretary of legation*. Amending real property law '96 ch.547 §250 subdiv.2, 7 §257. 528, 29 Ap 04
- c N. Y.** Acknowledgment or proof of conveyance of real estate may be made *in Germany*. Adding subdiv.8 to real property law '96 ch.547 §250. 690, 9 My 04
- d O.** Extending power to take acknowledgments of deeds to various consular officers of United States. Amending R. S. §4111. p.171, 22 Ap 04
- e Va.** Repealing '88 ch.351 authorizing circuit clerks to take acknowledgments of deeds and writings. 431 (ex. sess.), 12 D 03
- f Va.** Certificates of acknowledgment of writings made in *territory or dependency of* United States to be admitted to record; form. Amending C. §2501. 486 (ex. sess.), 24 D 03

396 **Record**

*See also* 2497, County records

- a Ga.** Extending term of commission on registration of land titles, appointed in 1903; report to Legislature of 1905. p.758, 3 Ag 04
- b Ky.** Source of title must be given in deed to authorize recording; penalties. Amending '93 ch.186 §6. 67, 21 Mr 04
- c Mass.** Fixing salaries of registers of deeds and assistant registers: classification based on yearly receipts of registry; maximum



## Real property. Mortgages

1404

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salary \$5000; readjustment every 5 years. Repealing R. L. ch.2 §32. 452, 9 Je 04

d N. J. Exact time of filing of deeds, judgments, liens and other papers to be recorded. 117, 28 Mr 04

e Va. Amending C. §2505 as to record of conveyances by fiduciaries. 380 (ex. sess.), 10 D 03

f Va. Deeds or other writings may be recorded according to C. §2501 by clerk or *deputy of Corporation Court of City or Circuit Court of County* [formerly by court of county or corporation]. Amending C. §2500. 205, 15 Mr 04

#### 397 Abstracts

a Ky. Abstract or title of land not to be certified by county clerk or other official if party in possession claims through title adverse to that in abstract or if two or more patents issued for same land; penalties. 92, 22 Mr 04

#### 145 Torrens system

a La. Commission consisting of 5 members to be appointed by governor to investigate Torrens system of land registration; report to governor by July 1905. 88, 4 Jl 04

b Mass. Salary of associate judge of land registration, \$4500 [formerly \$4000]. Amending R. L. ch.128 §12. 386, 31 My 04

c Mass. Changing name of Court of Land Registration to Land Court; transferring certain jurisdiction thereto from Superior Court, procedure. Amending '00 ch.354. 448, 9 Je 04

144

## Personal property

#### 143 Dramatic or musical compositions

a Mass. Misdemeanor to perform or represent publicly unpublished and undedicated dramatic or musical composition without consent of proprietor. 183, 29 Mr 04

141

## Liens and mortgages

140

### General

a Va. Amend amendment to C. §1068 relating to payment of vendor's lien. p.164, 5 Mr 03

### Foreclosure. Redemption

a Va. Amending C. C. P. §2398 as to recording affidavits in foreclosure proceedings. 679, 9 My 04

## Real property mortgages and trust deeds

See also 127, Railways

### Deeds of trust

a Va. Amending for appointment of trustees for bondholders in redemption of bonds. p.99, 13 Ag 04



## CIVIL LAW PROPERTY

410

## Foreclosure. Redemption

- a Va. Amending C. §2935 as to recording extension of limitation for enforcement of trust deeds and mortgages. 158, 14 Mr 04

411

## Record

- a Ala. Minor amendments to '99 p.26 §1 relating to entry of mortgage payments. p.423, 10 O 03

412

## Personal property

413

## General and miscellaneous

- a Ga. Regulating business of loans on personal property. p.79, 15 Ag 04

415

## Conditional sales

- a N. Y. Amending lien law '97 ch.418 §115 as to conditional sale of *electric motors*. 259, 8 Ap 04
- b N. Y. Amending lien law '97 ch.418 §112-15 as to conditional sale of chattels attached to building; to be void against purchaser or encumbrancer in good faith unless contract recorded with register; refiling; discharge. 698, 9 My 04
- c Va. Providing for record of release of conditional contracts of sale under C. §2462; penalty for failure of vendor to record. 562 (ex. sess.), 2 Ja 04; 244, 15 Mr 04
- d Va. Procedure for enforcement of lien in conditional sales. Amending C. §2462. 54, 8 Mr 04

418

## Mechanics liens; labor and materials

419

## General

- a Kan. Allowing successful plaintiff in action on mechanics lien reasonable attorney's fee. G. S. '01 §5125. *Unconstitutional*. Denies equal protection of laws. *Atkinson v. Woodmansee*, 74, p.640 (1903).
- b Miss. Suit to enforce mechanics and material men's lien to be begun within 12 [formerly 6] months. Amending Ann. C. '92 §2702. 152, 3 Mr 04
- c Miss. Amending Ann. C. '92 §2714 relating to contractor's lien for labor or materials: judgment to be lien from date of notice of owner. 153, 22 Mr 04
- d O. Generally amending R. S. pt2 t.1 div.2 ch.4 relating to mechanics, laborers and material men's liens. p.499, 27 Ap 04

421

## Special mechanics and other liens

See also 595, Practice of law

- a Md. Amending '92 ch.419 §3 as to filing of lien by owner of stallion: defining procedure. Adding §3A-B. 54, 9 Mr 04
- b Mass. Contractors for public works to give security for payment for labor and materials. 349, 19 My 04



## Succession

421-24

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- c **Mass.** Lien for materials and labor furnished contractor for construction of street railway; statement of debt to be filed within 30 days of performance and action to be begun within 60. Adding §101-5 to R. L. ch.112. 373, 23 My 04
- d **N. Y.** Amending lien law '97 ch.418 §32 as to liens on vessels on *western and northwestern lakes and river St Lawrence*. 246, 8 Ap 04
- e **N. Y.** Lien for service of stallion to be filed within 15 months [formerly 1 year]. Amending lien law '97 ch.418 §60 261, 8 Ap 04
- f **Or.** Amending Ann. C. & S. §4322-23 as to contents of lien for stallion service and as to procedure for enforcing same. p.14, 23 D 03
- g **Va.** Amending C. §2485 as to lien for supplies furnished transportation companies: *lien of traveling representatives*. 395 (ex. sess.), 10 D 03

422

### Landlord and tenant

- a **Ala.** Crop rents to mature *Nov. 15* [formerly Dec. 25] of year in which crop grown. Amending C. §2704. p.273, 26 S 03
- b **Md.** Leases for 7 years or less terminated by fire or unavoidable accident if premises rendered untenable. Adding §26A to C. art.53. 286, 7 Ap 04
- c **Md.** *Typewriter* to be exempt from distress for rent. Amending C. art.53 §17. 568, 8 Ap 04
- d **Md.** Amending C. art.53 §8 as to oath of *nonresident landlord or agent* making distress for rent within state. 575, 12 Ap 04
- e **Neb.** Defining when tenant shall be deemed holding over his term. p.43, 25 F 75. *Unconstitutional*. Amendment not within subject of original section amended. *Preston v. Stover*, 97 N. W. 812 (1903).
- f **Va.** Tenancy from month to month terminable by either party on 30 days notice in writing; monthly tenant to pay arrears within 10 days; yearly tenant within 1 month. Amending C. §2785-86. 369 (ex. sess.), 10 D 03
- g **Va.** Distress for rent may be made under warrant from justice or *clerk of Circuit or Corporation Court*. Amending C. §2790. 429 (ex. sess.), 12 D 03
- h **Va.** Amending C. §2716 as to ejectment of tenant under 1 year [formerly 1 month] lease. 211, 15 Mr 04

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### Succession

424

#### Descent

- a **Ia.** Amending C. §3276, 3279 relating to rights of posthumous children unmentioned in will. 120, 7 Ap 04



## CIVIL LAW PROPERTY

- b N. Y. Estate of intestate to descend to grandparents, if no uncles or aunts or their descendants to take. Amending real property law '96 ch.547 §288. 106, 22 Mr 04

426

**Administration of estates***See also 836, Inheritance taxes*

428

**Probate procedure**

429

**General and miscellaneous**

- a O. Record of real estate devised by will to be made by county and recorded on receipt of certified copy of will from probate judge; fees. Amending R. S. §5930. p.394, 25 Ap 04
- b Va. Generally amending C. ch.119 vesting clerk of court with certain powers over probate of will and administration of estates. 378 (ex. sess.), 10 D 03

430

**Probate courts and officers**

- a Ala. Judge of probate to keep index of instruments filed. p.397, 6 O 03
- b Mass. Amending R. L. ch.164 §5, 7 as to incapacity of judge of probate and insolvency; compensation of judge sitting in his stead. 401, 2 Je 04
- c Mass. Salaries of judges, registers and assistant registers of probate fixed according to county classification. Repealing R. L. ch.164 §27. 455, 9 Je 04
- d N. Y. Amending C. C. P. §2513 as to compensation of Surrogate Court stenographer. 59, 9 Mr 04
- e N. Y. Amending C. C. P. §2567 subdiv.2 as to certain fees of surrogate. 137, 28 Mr 04
- f N. Y. Amending county law '92 ch.686 §237 as to fee of surrogate's clerk for recording official bonds. 461, 28 Ap 04
- g Va. *Clerk of Corporation Court* may admit wills to probate, appoint and take bond of executors, administrators and committees. Amending '03 ch.255 (ex. sess.). 107, 12 Mr 04

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**Probate of wills**

- a Va. Vesting clerks of courts with certain jurisdiction over probate and recording of wills. Amending C. §2533-34, 2538, 2547. 438 (ex. sess.), 12 D 03
- b Va. *Corporation* and Circuit Courts to have jurisdiction over probate of wills. Amending C. §2533. 108, 12 Mr 04

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- a N. D. Providing for special administrator in cases where death of owner of estate not satisfactorily proved, but whose disappear-



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ance affords reasonable grounds for believing him dead. R. C. §6325 subdiv.2. *Unconstitutional* so far as affects property of living persons: deprives of property without due process of law. *Clapp v. Hough*, 98 N. W. 710 (1904).

- b O. Trustee to be appointed of property within state of person so long unheard of as to be deemed dead; procedure. p.23, 23 F 04

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- a Ala. Claims of infants or insane persons against estate to be filed 6 [formerly 9] months after appointment of guardian or removal of disability. Amending C. §307. p.78, 26 F 03
- b Mass. Amending R. L. ch.141 §2 relative to payment of debts of estates: executor or administrator to pay doubtful debts under approval of Probate Court, if no notice within 1 year of insolvency of estate. 165, 19 Mr 04
- c Mass. Amending R. L. ch.144 §4 and repealing '02 ch.544 §20 relative to settlement of absentee's estate. 206, 2 Ap 04
- d Mass. Administrator of intestate may sell realty for purposes of distribution [formerly sale limited to realty over \$1500]. Amending R. L. ch.146 §18. 217, 9 Ap 04
- e Mass. Amending R. L. ch.143 §2 as to distribution of personal estate of deceased nonresidents. 360, 20 My 04
- f N. J. Amending '99 ch.156 relating to disposition of balance in hands of executor. 50, 22 Mr 04
- g N. J. Amending '03 ch.92 §1 relating to sale of land by substituted administrator when administrator *in whose name application for sale is pending* has died or *been removed*. 57, 22 Mr 04
- h N. J. Application to Orphans Court for fulfilment of decedent's contract for sale or purchase of land to be made within 5 years *unless contract such that performance impossible within such period*. Amending '98 ch.234 §154. 167, 29 Mr 04
- i N. Y. Creditor of estate to present claim to surrogate within 3 months of citation served by petition of executor or administrator; barring of suit. Adding §2718a to C. C. P. 386, 26 Ap 04
- j N. Y. Funeral expenses may be paid from amount recovered in action for death from negligence. Amending C. C. P. §1903. 515, 29 Ap 04
- k N. Y. Transfer or mortgage of interest in decedent's estate to be filed with surrogate or county clerk: if unrecorded, to be void as to subsequent bona fide taker. 692, 9 My 04
- l N. Y. Amending C. C. P. §2752, 2755-61, 2763-65, 2799, relating to disposition of real property of decedents for payment of funeral expense. 750, 14 My 04
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q **Va.** Amending C. §2690 relative to receiving proof of debts of decedent by commissioner of accounts. 72, 7 Mr 04

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c **Va.** Clerk of Circuit Court may appoint guardian of minor and receive bond. Amending C. §2599-602. 552 (ex. sess.), 2 Ja 04; 188, 15 Mr 04

d **Va.** Amending C. §2434, 2618 relative to appointment of guardian ad litem and to taking of depositions in proceedings for sale or lease of lands of persons under disabilities. 75, 7 Mr 04

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a **N. J.** Amending '97 ch.63 §6 relating to exercise of certain powers by guardian of insane. 44, 22 Mr 04

b **N. Y.** Petition for committee for incompetent person who is inmate of state institution may be presented to court of county of residence, or of commitment. Amending C. C. P. §2323a. 509, 29 Ap 04

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b **N. J.** Amending '03 ch.152 §2 as to raising of money on real estate for rebuilding property of minors, insane etc. destroyed by fire; repealing restriction on use of insurance money. 19, 7 Mr 04

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- d N. J. Property of persons under disabilities may be sold at private sale for payment of mortgage, subject to confirmation of chancellor. 46, 22 Mr 04
- e O. Guardians of minors may lease coal lands; procedure. p.312, 23 Ap 04
- f Va. Amending C. §2629 as to petition of foreign guardian or committee of nonresident minor or insane person for transfer of property within state. 376 (ex. sess.), 10 D 03
- g Va. Miscellaneous amendments to C. §2616, 2620-22, 2625 relating to leasing and sale of lands held in trust or for persons under disabilities. 531 (ex. sess.), 31 D 03

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- a Ky. Settlement of certain fiduciaries in Circuit Court to be filed by clerk thereof in office of county clerk; fees. 45, 21 Mr 04
- b N. Y. Amending real property law '96 ch.547 §94 relating to investments by trustees and other fiduciaries. 742, 14 My 04
- c N. Y. Fixing rate of compensation of trustees of express trusts. Amending C. C. P. §3320. 755, 14 My 04
- d O. Amending R. S. §6322 as to discharge of sureties on bonds of trustees or guardians for nonresidents. p.289, 23 Ap 04
- e Va. Miscellaneous amendments to C. 2616, 2620-22, 2625 relating to leasing and sale of lands held in trust or for persons under disabilities. 531 (ex. sess.), 31 D 03
- f Va. Amending C. §2693 as to time of posting list of fiduciaries by commissioner of accounts. 71, 7 Mr 04
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- b Ala. Claims against insolvent estates if no opposition, to be allowed within 9 [formerly 12] months after insolvency. Amending C. §312. p.78, 26 F 03
- c Ga. Contracts made for assignment or pledge of unearned wages or salary to be void; procedure. p.79, 15 Ag 04
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- b **Ky.** Repealing '93 ch.219 art.15 §5 which exempts wages under \$50 from execution. 16, 4 Mr 04
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- e **S. C.** Amending C. C. §2631 relating to homestead exemption. 225, 20 F 04
- f **Va.** Exempting from execution property of householder or *head of family* to sum of \$2000: exemption not to be claimed in shifting stock of merchandise or in conveyance by claimant set aside for fraud; proviso. Amending C. §3630, 3636. 546 (ex. sess.), 1 Ja 04

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- a **Ky.** Regulating sale of merchandise in bulk: seller to make list of creditors who are to be notified by purchaser; procedure; penalties. 22, 8 Mr 04
- b **N. Y.** Misdemeanor for seller of merchandise in bulk to deceive buyer as to creditors; buyer to retain written answer of seller 6 months after sale. Amending '02 ch.528. 569, 3 My 04
- c **O.** Regulating sale of merchandise in bulk: inventory; notice to creditors; penalties. p.96, 4 Ap 02. *Unconstitutional*. Restricts property rights; class legislation. *Miller v. Crawford*, 71 N. E. 631 (1904).
- d **U.** Regulating sale of merchandise in bulk: inventory; 5 days notice to creditors; penalties. 67, 14 Mr 01. *Unconstitutional*. Impairs freedom of contract; deprives of property without due process of law; class legislation. *Block v. Schwartz*, 76 P. 22 (1904).
- e **Va.** Regulating sale of merchandise in bulk: seller to make inventory of stock and statement of creditors to purchaser; procedure; penalties. Repealing '03 ch. 304 (ex. sess.). 554 (ex. sess.), 2 Ja 04



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- a** S. C. On loans under \$25 unlawful to charge for drawing papers or examining property; paper not to include more than loan; violation void. 287, 24 F 04

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- a** N. Y. Amending Pen. C. §378 relating to usurious loans on certain chattel security. 661, 9 My 04

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- a** Ky. Defining diligence on part of banks in collection of checks and drafts. 26, 11 Mr 04
- b** Ky. Establishing negotiable instruments law uniform with law of other states. 39p. 102, 24 Mr 04
- c** La. Establishing negotiable instruments law uniform with laws of other states. 27p. 64, 29 Je 04
- d** N. Y. Bank not liable for payment of forged check unless depositor notifies it within 1 year of return of voucher. Adding §326 to negotiable instruments law '97 ch.612. 287, 13 Ap 04
- e** Va. Repealing C. §2842-43, 2845-46, 2848-51 relating to negotiable instruments. 569 (ex. sess.), 24 D 03
- f** Va. Time for presentation of bills and notes falling due on holidays. Amending C. §2844. 137, 12 Mr 04

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- a** O. Relating to bond of surviving partner purchasing decedent's interest: notice to creditors and discharge of bond. Adding §3169a to R. S. p.284, 23 Ap 04

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- a **Kan.** Relieving from all save actual damage newspaper publisher of libel in good faith, if retraction made. 249, 1 Mr 01. *Unconstitutional.* Violates Const. §18 providing for remedy "by due course of law." *Hanson v. Krehbiel*, 75 P. 1041 (1904).

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- a **La.** Marriages contracted between parties within degrees of relationship prohibited by C. C. art.95, either party being domiciled in state, not to be deemed valid though contracted in other state or country. Amending C. C. art.113. 129, 5 Jl 04
- b **N. J.** Prohibiting marriage of insane, epileptic or feeble-minded person except on physician's certificate of complete recovery; misdemeanor to abet such marriage. 137, 28 Mr 04
- c **O.** Marriage license not to be granted if either party is habitual drunkard, epileptic, imbecile or insane or who at time of application is under influence of liquor or drug. Amending R. S. §6389. p.83, 15 Ap 04
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- b **N. Y.** Court to nullify final judgment for plaintiff's support on remarriage. Amending C. C. P. §1771. 339, 16 Ap 04

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- a **Va.** Misdemeanor to solicit divorce business: disbarment. 374 (ex. sess.), 10 D 03

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- a **Ala.** Appeals in divorce proceedings to be taken within 60 days; neither party to marry within such time or during pendency of appeal. p.49, 13 F 03
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- b Md. Statute and common law of state as to wife's dower to be applicable to husband's dower unless such construction unreasonable. Amending C. art.45 §7. 151, 25 Mr 04
- c Mass. Amending R. L. ch.132 §9 relative to petition for assignment of dower. 306, 6 My 04
- d Va. Amending C. §2274 relating to rights of widow before dower is assigned. 425 (ex. sess.), 12 D 03
- e Va. Court may order sale of real estate of tenant by dower or curtesy; court to invest and hold proceeds for parties interested. 460 (ex. sess.), 17 D 03

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- a N. J. Married woman as executrix, administratrix, trustee or guardian may convey real estate without joining husband therein. 21, 7 Mr 04
- b N. J. Conveyance by married woman of personal estate may be executed without concurrence of husband. Supplementing R. S. '74 p.468. 192, 29 Mr 04
- c Va. Repealing C. §2297-98 relating to certain property rights and liabilities of married women. 456 (ex. sess.), 16 D 03

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- a Ia. On insanity of either spouse, other may petition for leave to deed or mortgage real estate. Amending C. §3167, 3169. 119, 27 F 04

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- b N. J. Person convicted of neglect of minor may be ordered by court to make weekly payment to humane society for care [formerly during minority]. Amending '80 ch.95, '01 ch.125. 166, 29 Mr 04
- c N. J. Misdemeanor to desert or neglect to provide for wife or minor child [formerly, and to leave the state]. Amending '03 ch.216. 202, 30 Mr 04



- d Va.** Misdemeanor to desert wife and minor children or to fail to provide for support; City Corporation or Hustings Courts in cities and Circuit Courts in counties to have original and exclusive jurisdiction. 111, 12 Mr 04

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- a Mass.** Amending R. L. ch.145 §4 relative to custody of minor children under guardians. 163, 19 Mr 04
- b Mass.** Amending R. L. ch.154 §2 relative to adoption of children: *illegitimacy not to be averred in record*. 302, 6 My 04
- c Va.** Children of former slaves may inherit from father, who recognized them as children and mother as wife. Amending C. §2552. 430 (ex. sess.), 12 D 03

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- d La.** Providing for formation of corporations having subscribed capital of \$3000; insurance and banking corporations, and those exercising power of eminent domain excepted. 78, 4 Jl 04
- e N. J.** Providing for recording by secretary of state of corporate certificates and other papers. 148, 28 Mr 04
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511 Consolidation

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- a N. J. Where error in conveyance by defunct corporation, surviving officers or their descendants may correct same by deed of confirmation; procedure. Supplementing '98 ch.232. 196, 29 Mr 04
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- a Ky. Amending corporation law '93 ch.171 §24 relating to classification and regulation of shares. 105, 25 Mr 04
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- c Va. Repealing '00 ch.708 relative to filing with auditor lists of stockholders of corporations doing business within state. 337 (ex. sess.), 3 D 03
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- a Ia. Stock may be voted by executor, guardian, trustee and owner of stock pledged or levied on. 55, 21 Mr 04
- b Mass. Amending '03 ch.437 §20 as to annual meetings of corporations: to be held within 90 [formerly 60] days of end of fiscal year. 207, 2 Ap 04
- c N. Y. Certificate of incorporation or bylaws to state if meetings of directors are to be held only within state. Amending business corporation law '90 ch.567 §2. 446, 27 Ap 04

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- b N. Y. Amending stock corporation law '90 ch.564 §21: number of directors may be increased or reduced by unanimous consent of stockholders without meeting. 307, 13 Ap 04
- c N. Y. Amending general corporation law '92 ch.687 §29 as to quorum of directors. 737, 14 My 04
- d Va. Amending '03 ch.270 pt1 §14 (ex. sess.) as to filing annual lists of officers of certain transportation, communication and *membership* corporations: to designate attorney on whom process may be served within 60 [formerly 30] days after annual meeting. 442 (ex. sess.), 12 D 03

520 *Liability*

- a N. J. Assenting directors of corporation liable to stockholders [formerly and to creditors] *and in case of insolvency to receiver* for loss resulting from unlawful payment of dividends or reduction of stock. Amending corporation law '96 ch.185 §30. 143, 28 Mr 04

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- a Ala. Assets of insolvent corporation to constitute trust fund for creditors. p.388, 6 O 03
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- a S. C. Minor amendment to C. C. §1779 relating to formation of foreign corporations. 247, 25 F 04

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- a Ky. Foreign corporations to file with secretary of state name of resident agent on whom process may be served. 69, 21 Mr 04
- b La. Foreign corporations to designate domicile and appoint agent in state, according to Const. 1898 art.264; procedure. 54, 29 Je 04

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- a N. Y. Certificate of authority not to be granted to foreign corporation holding itself out as such by misleading corporate title; moneyed and insurance corporations excepted. Amending corporation law '92 ch.687 §15. 490, 29 Ap 04

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- a Ia. Amending C. §1641 relating to ownership of real estate by foreign corporations and corporations whose stock is owned by nonresident aliens. 54, 27 F 04



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§83

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Including religious, educational, social, scientific, benevolent etc.

- a Ala. Incorporation, organization and powers of cooperative, single tax or mutual aid associations, not for profit. p.342, 1 O 03
- b Ala. Corporations not for profit may hold and receive property up to \$500,000; increase of membership to 500 [formerly 300]. Amending C. §1304, 1313. p.480, 10 O 03
- c N. J. Preserving to corporations not for profit right of dissolution under '78 ch.62. Amending '99 ch.76 §2. 79, 28 Mr 04
- d N. J. Educational, library or literary corporation may increase or abolish capital stock, change name, abrogate charter provisions; procedure. 118, 28 Mr 04
- e N. Y. Amending benevolent orders law '96 ch.377 §7-9: powers; trustees; *reincorporation*. Adding §10a. 143, 28 Mr 04
- f Va. Repealing '02 ch.405 relative to incorporation of societies for charitable and benevolent purposes and for prevention of cruelty to children. 568 (ex. sess.), 18 D 03

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- a N. Y. Amending membership corporations law '95 ch.559 §14 as to *special meeting* to change number of directors. 271, 8 Ap 04

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- a N. Y. Amending membership corporations law '95 ch.559 §13 as to validation of conveyance or mortgage of real property made without leave of court. 431, 27 Ap 04

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- a Ala. Incorporation of conferences of itinerant ministers of Gospel. p.234, 16 S 03
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- a N. J. Amending '79 ch.164 §3 relating to filling of vacancies in certain religious corporations. 186, 29 Mr 04

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- a N. J. Camp meeting corporation may require lessee to construct sidewalks, curbing and to repair same; procedure. 49, 22 Mr 04
- b N. Y. Methodist episcopal church may transfer property for religious purposes. Adding §93a to religious corporations law '95 ch.723. 344, 16 Ap 04
- c Va. Minor amendment to C. §1401 relating to certain personal property of church. 450 (ex. sess.), 12 D 03



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- a La. Prohibiting corporations not domiciled in state from combining to regulate compensation of agents. 182, 7 Jl 04

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#### 592 Admission to bar

- a Mass. Amending R. L. ch.165 §40, 41, 43 relative to admission to bar: fees; aliens practising in other states to make petition to Supreme Judicial Court or Superior Court for admission. 355, 20 My 04
- b N. J. License may be reissued to attorneys, if original lost or destroyed; procedure; fee. 130, 28 Mr 04
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- a Mass. Extending to Land Court provisions of R. L. ch.173 §81 relative to priority of engagements of attorneys in Supreme Judicial and Superior Courts. 448, 9 Je 04

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- a Va. Attorney in action for tort or unliquidated damages on contract to have lien; settlement after notice void against lien. 147, 14 Mr 04

#### 596 Disbarment

- a Ala. Generally amending C. §598-603, 605-6, 610 relating to disbarment proceedings. p.346. '03
- b Ia. Clerk of District Court to certify to Supreme Court judgment suspending or disbaring attorney. Amending C. t.3 ch.10 13, 7 Mr 04

#### 597 Practice. Limitations

- a La. *Employees of* clerk or deputy clerk of court, sheriff or deputy sheriff may not appear in criminal courts; penalties. Amending R. S. §117. 135, 5 Jl 04
- b Miss. Amending Ann. C. '92 §215 relating to restrictions on practice of law by mayors and justices of peace. 138, 22 Mr 04



- c** **Miss.** Partner of district attorney not to defend criminal cases which district attorney is to prosecute; penalties. Amending Ann. C. '92 §1555. 146, 11 Mr 04

600

## Courts

Names and general organizations of courts vary greatly in different states. Courts are here grouped according to actual jurisdiction. The precise names of the courts are preserved in entries and subordinate headings.

601

### General

*See also 2359, Law libraries*

- a** **Cal.** Submitting amendment to Const. 1879 art.6 relating to judiciary: division of state into 3 judicial districts, each to be presided over by District Court of Appeals consisting of 3 justices; appellate jurisdiction over certain cases hitherto under jurisdiction of Supreme Court; cases pending before Supreme Court may be transferred to District Court of Appeals; election of justices; qualifications; salaries; Supreme Court Commission abolished. *Adopted November 1904.* p.737, 14 Mr 03
- b** **Fla.** Amending Const. 1885 art.5 §1, 5, 11, 24-29, 31, 32: Legislature on petition of majority of voters of county to establish County Court of Record, replacing previous County Court and Criminal Courts; appointment of judge and prosecuting attorney; jurisdiction; abolition of court; procedure. *Rejected November 1904.* p.639, '03
- c** **Md.** Previous and present judges of Circuit Courts, Supreme Bench of Baltimore City and Court of Appeals after 15 consecutive years in office to be pensioned at \$2400 a year when 70 years old; those reaching 70 years after service for 10 preceding consecutive years to receive like pension. Adding §44 to C. art.26. 236, 7 Ap 04
- d** **O.** Amending R. S. §1284a increasing salaries of certain judges: judges of Supreme Court and Supreme Court Commission, \$6500 [formerly \$6000]; Common Pleas and Superior Court judges \$3000 [formerly \$2600]; also additional compensation proportional to population of county. p.556, 3 My 04
- e** **Va.** The following amendatory acts were passed in the special session of Legislature of 1902-4 to bring statutes into conformity with 1903, ch.401, 433 providing for reorganization of Circuit and Corporation Courts according to Constitution of 1902: ch.345, 348, 350, 351, 354, 355, 358, 359, 365, 367, 372, 379, 381, 385, 386, 389, 390, 393, 400, 403, 407, 408, 409, 411, 415, 422, 426, 448, 459, 485, 487, 488, 489, 491, 498, 499, 500, 502, 511, 523, 525, 526, 527, 534, 564, 565.
- f** **Va.** Court of Record may adjourn for period not exceeding 30 days; during adjournment regular or special term may be held by judge at any other place. Amending C. §3111.

591 (ex. sess.), 11 Ja 04



- g Va. Amending C. §3122 relating to opening and sitting of Circuit and Corporation Courts. 55, 8 Mr 04
- h Va. Amending C. §3049 as to appointment of special judge in absence or sickness of city or circuit judge *during special term or vacation*. 228, 15 Mr 04
- i W. Va. Salaries of judges of criminal and intermediate courts to be paid from county treasury. 14, 12 Ag 04
- j Wy. Submitting amendment to Const. 1889 art.5 §17: salary of Supreme Court judges, \$5000, and District Court judges \$4000, after January 1905. *Rejected November 1904*. p.152, 23 F 03

## 604

## Supreme court

Including only those highest in state, of whatever name, e. g. Court of Appeals but not Supreme Court of New York. In New York, New Jersey and elsewhere the supreme court is a district court and is classed below others. The Court of Appeals in New York, New Jersey, Kentucky and Maryland is the highest court, but in Colorado, Kansas, Missouri and Texas it is subordinate to the Supreme Court.

## 605 General and miscellaneous

- a Ala. Supreme Court to consist of chief and 6 [formerly 4] associate justices; partial renewal every 2 years; court may sit in 2 divisions; nonconcurrence or disqualification; names of judges to be stated in final decisions. Amending C. §3825. p.493, 10 O 03
- b Ark. Submitting amendment to Const. 1874 art.7 §3: Supreme Court to consist of chief justice and 5 [formerly 4] associate justices; court to sit in 2 divisions; transfer of causes from division to court. *Rejected November 1904*. p.482, 10 Mr 03
- c Col. Amending Const. 1876 art.6 §5-8 relative to Supreme Court: election, term and number of judges; departments. *Adopted November 1904*. 73, 6 Ap 03
- d Ga. Salaries of Supreme Court judges, \$4000 [formerly \$3000]. See Const. 1877 art.6 §13. p.72, 15 Ag 04
- e Ky. Compensation of clerical assistants in Court of Appeals limited to \$100 a month [formerly aggregate limited to \$6000 a year]; law practice in court prohibited. Amending '00 ch.1 (ex. sess.) §1. 20, 8 Mr 04
- f La. Submitting amendment to Const. 1898 art.86-88, 95: justices of Supreme Court to be *elected* [formerly appointed by governor with consent of Senate]. *Adopted November 1904*. 137, 6 Jl 04
- g Miss. Amending Ann. C. '92 §3955 relating to pay of special judges of Supreme Court. 164, 22 Mr 04
- h Miss. Amending Ann. C. '92 §4338-39 as to terms of Supreme Court and call of docket. 170, 7 Mr 04



## CIVIL LAW ADMINISTRATION OF JUSTICE

- i** N. J. Amending '00 ch.147 §9 relating to compensation of special judges of Court of Errors and Appeals. 151, 28 Mr 04
- j** N. Y. Referring to next Legislature amendment to Const. 1894 art.6 §1, 7 as amended in 1899: *Legislature* [formerly governor] may increase number of judges of Court of Appeals not to exceed 11, on two thirds vote of members of each house; Legislature may decide as to quorum, and concurrence necessary to decision, also as to divisions of court; [formerly quorum consisted of 5 judges, and concurrence of 4 was required]. p.1936, 14 Ap 04
- k** R. I. Designating commission of 7 members to determine changes necessary for carrying into effect art.12 of amendments to Constitution, adopted in November 1903, relating to jurisdiction of Supreme Court; report to secretary of state by October 1904. r.2, 13 Ap 04
- m** Va. Amending C. §3093 relating to transfer of causes of Supreme Court of Appeals from one place of session to another; amending §3095 stating conditions in which Special Court of Appeals may be formed. 414 (ex. sess.), 10 D 03
- 606 Officers**
  - a** Ala. Salary of assistant marshal of Supreme Court, \$1000 [formerly \$600]. Amending C. §3847. p.341, 1 O 03
- 607 Reports**
  - a** Ky. *Judges of Court of Appeals* to let contracts for publication of state reports containing decisions of court; regulations; [formerly printing was done by contractor of public printing]. Repealing S. '03 §956-57 and ch.105 so far as relating to printing decisions. 113, 25 Mr 04
- 609 Intermediate courts**
- 611 Appellate courts**
  - a** Ky. Redistricting Appellate Court districts. Amending '93 ch.229. 14, 4 Mr 04
- 613 Chancery court**
  - a** Miss. Redistricting Chancery Court districts: 8th district added. Repealing Ann. C. '92 §440-56. 82, 19 Mr 04
- 615 Circuit courts**
  - a** Ala. Clerk of Circuit Court to have custody of records of abolished inferior courts and to issue process thereon. p.388, 6 O 03
  - b** Ala. Reapportionment and regulation of judicial circuits; election of judges and solicitors; terms. Amending C. §897-98, 900, 906, 911-16, and adding §917. p.566, 12 O 03
  - c** Miss. Redistricting Circuit Court districts: allotment of time for criminal and civil business; district attorneys to attend court in



## Intermediate courts

615-23

### N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- district of residence. Repealing Ann. C. '92 §609-28, '96 ch.72, '02 ch.92. 83, 22 Mr 04
- d N. J. Governor to appoint 4 [formerly 3] circuit judges. Amending '00 ch.149 §39. 29, 15 Mr 04
- e N. J. Amending '00 ch.149 §38 as to payment of common pleas judge holding Circuit Court. 108, 28 Mr 04
- f N. J. State to be divided into 9 judicial districts *composed of such counties as Supreme Court justices may determine* [formerly fixed by law]. Supplementing '00 ch.149. 250, 11 Ap 04
- g O. Salary of Circuit Court judges \$6000 [formerly \$4000]; repealing provision allowing additional compensation from county treasury in certain circuits. Amending R. S. §455. p.530, 20 Ap 04
- h Va. Jurisdiction and powers of County Courts vested in Circuit Courts. 401 (ex. sess.), 10 D 03; 515, 31 D 03
- i Va. Miscellaneous amendments to C. §3056-60, 3062 relating to Circuit Courts: circuits; jurisdiction; terms. Repealing C. §3063, 3065-67. 495 (ex. sess.), 26 D 03
- j Va. Governor in case of disability of circuit or city judge in city of 10,000 to fill temporary vacancy. Amending C. §3049. 594 (ex. sess.), 12 Ja 04
- k Va. Amending '03 ch.401 (ex. sess.) vesting in Circuit Courts, powers and jurisdiction of county courts. 14, 9 F 04
- m Va. Amending C. §3059 relating to terms of Circuit Courts. 33, 23 F 04; 229, 15 Mr 04

617

### Common pleas

- a O. Court of Common Pleas may appoint official stenographer; term, salary and fees; powers and duties. p.177, 22 Ap 04
- b O. Courts of Common Pleas may appoint interpreters, criminal bailiff and secret service officer; duties; compensation; tenure. Repealing R. S. §471-73, 474 subdiv.1, 1282 subdiv.1-3. p.308, 23 Ap 04

619

### County court

- a Fla. Submitting amendment to Const. 1885 art.5 §18: judge of County Courts to be attorney at law. *Rejected November 1904.* p.637 '03
- b Va. Jurisdiction and powers of County Courts vested in Circuit Courts. 401 (ex. sess.), 10 D 03; 515 (ex. sess.), 31 D 03

623

### Court of appeals

- a La. Clerks of District Courts to furnish certain statistical information for use of Legislature relative to Courts of Appeal, on order from governor. 2, 26 My 04



## CIVIL LAW ADMINISTRATION OF JUSTICE

- b La.** Submitting amendment to Const. 1898 art.98-100, 106, 131 relating to Courts of Appeals: division of state into 2 circuits and of circuits into 3 districts each; election of judges of districts for term of 8 years; vacancies; sessions of Courts of Appeals; jurisdiction. Repealing art.105. *Rejected November 1904.* 132, 6 Jl 04
- c La.** Judges of new Courts of Appeals to fix terms of respective courts on adoption of amendment to Const. 1898 art.100 in November 1904. Amendment rejected, see above. 183, 7 Jl 04

633

## District courts

- a La.** Submitting amendment to Const. 1898 art.109 relating to District Courts: additional judge to be elected in 1st judicial district; repealing provisions pertaining to 1st election of district judges under Constitution of 1898. *Rejected November 1904.* 29, 21 Je 04
- b La.** Submitting amendment to Const. 1898 art.124: vacancies in office of clerk of District Court to be filled by special election if unexpired portion of term exceed 1 year, or by governor if less than year. *Adopted November 1904.* 139, 6 Jl 04
- c La.** Submitting amendment to Const. 1898 art.109: vacancies in office of district judge to be filled by special election if unexpired portion of term exceed 1 year or if less than year, by governor with consent of Senate. *Adopted November 1904.* 141, 6 Jl 04
- d N. J.** Amending '98 ch.228 §6, 8 relating to salaries of District Court judges and clerks. 82, 28 Mr 04

639

## Superior courts

- a Ga.** Salaries of judges of superior courts \$3000 [formerly \$2000]. *See Const. 1877 art.6 §13.* p. 72, 15 Ag 04

643

## Supreme courts

- a N. Y.** Referring to next Legislature amendment to Const. 1894 art.6 by adding §24: provision for election of 2 additional justices of Supreme Court in 2d judicial district. *Not repassed in 1903 or 1904.* p.1806, 22 Ap 01
- b N. Y.** Referring to next Legislature amendment to Const. 1894 art.6 §2 as amended in 1899, relating to justices of appellate division of Supreme Court: when not acting as appellate justice may hold term of Supreme Court in any county or judicial district in any other department of state. p.1931, 6 Ap 04
- c N. Y.** Referring to next Legislature amendment to Const. 1894 art.6 §6: Court of Appeals may authorize appointment of trial commissioners in counties of 500,000, their necessity being certified to by appellate division of Supreme Court of the county; term 6 years; salary \$12,000; powers. p.1933, 8 Ap 04



N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- d N. Y. Referring to next Legislature amendment to Const. 1894 art.6 §1: Legislature may increase number of Supreme Court justices on two thirds vote of members of each house.

p. 1936, 14 Ap 04

- e N. Y. Referring to next Legislature amendment to Const. 1894 art.6 §6 by adding article: justices of appellate division of department in which Supreme Court commissioners have been appointed may designate additional commissioners and may revoke designation.

p.1938, 15 Ap 04

- f N. Y. Appellate division of Supreme Court may provide rules for making up calendars in counties within department. Amending C. C. P. §977.

474, 28 Ap 04

- g N. Y. In counties with 2 or more parts of Supreme Court at trial term, 1 or more parts to be devoted to actions on sales, insurance and negotiable paper. Amending C. C. P. §232.

500, 29 Ap 04

645

Inferior courts

- a N. J. Repealing sundry acts relating to small cause courts.

122, 28 Mr 04

647

Coroners. Medical examiners

- a N. Y. Amending '73 ch.833 §1, '74 ch.535, '00 ch.763 as to fees of coroners for taking inquisition.

119, 23 Mr 04

- b Va. Judge of Circuit or Corporation Court to *appoint coroners* [formerly nominated by court and appointed by governor]; term 2 years [formerly during good behavior]. Amending C. §891.

357 (ex. sess.), 8 D 03

651 Inquests

- a Ala. Amending C. §3368 as to duties of Probate Court in cases of poisoning: costs for chemical analysis limited to \$100 [formerly \$15], to be paid by county.

p.284, 29 S 03

- b Mass. Inquest to be held in cases of death by accident on railroads or street railways. Amending R. L. ch.24 §11.

119, 27 F 04

653

Justices of the peace

- a La. Justices of peace to furnish certificate of qualification within 60 days after election. Amending '98 ch.155 §2.

39, 25 Je 04

- b La. Fixing fees of justices of peace. Amending '98 ch.203 §8.

155, 5 Jl 04

- c N. Y. Amending C. C. P. §3322 as to certain fees of justice of peace.

282, 13 Ap 04

- f Va. State liable for one half fees unpaid in Justices Courts. Amending C. §718.

385 (ex. sess.), 10 D 03



## CIVIL LAW ADMINISTRATION OF JUSTICE

- g** Va. Amending C. §2939, 2956-57 defining jurisdiction and procedure of Justices Courts and regulating appeals therefrom. Repealing '94 ch.454, '98 ch.621. 436 (ex. sess.), 12 D 03
- h** Va. Cities whose charters make no provision therefor to elect justices of peace; jurisdiction; term. 577 (ex. sess.), 2 Ja 04
- i** Va. Amending C. §2942 relating to trial of small causes by justice of peace: to call in two other justices on affidavit by defendant that fair trial can not be obtained. 56, 8 Mr 04

655

## Municipal and police courts

- a** La. Amending '98 ch.136 §29 as to compensation of city judge appointed in cities of 5000; appointment of judge pro tem. 91, 4 Jl 04
- b** N. Y. Amending '98 ch.182 §398 as to powers of deputy clerk of police court in cities of 50,000 to 250,000. 507, 29 Ap 04
- c** O. Defining jurisdiction of police courts. p.7, 22 Ja 04
- d** O. Clerk of Police Court to receive salary of \$2000 for city cases, and for state cases additional salary limited to \$2000 [formerly \$1250] to be paid from county treasury; [formerly salary for city cases graded according to classification of city]. Amending R. S. §1536 subdiv.839. p.101, 19 Ap 04
- e** O. Interpreter may be appointed for police court *in cities where more than 1 police judge* [formerly cities of 2d grade 1st class]; *clerk to appoint on disagreement of judges*. Amending R. S. §1536 subdiv.816. p.387, 25 Ap 04
- f** S. C. Cities of 4000 to 20,000 may establish municipal courts. 214, 19 F 04
- g** Va. Judge of Corporation or Hustings Court in city under 10,000 may be chancery commissioner of Circuit Court. Amending C. §3130. 386 (ex. sess.), 10 D 03
- h** Va. Reorganizing city and corporation courts both in cities over and under 10,000, according to provisions of Const. 1902 §98-99; classification of cities; terms; jurisdiction. Amending C. §3050, 3053-55. 433 (ex. sess.), 12 D 03
- i** Va. Police justice to be appointed by Corporation or Hustings Court in certain cities over 10,000; jurisdiction; terms; salary; vacancy. 542 (ex. sess.), 31 D 03
- j** Va. Amending '03 ch.542 subdiv.2 (ex. sess.) relating to appointment of police justices in certain cities over 10,000. 241, 15 Mr 04

657

## Court officers

For officer of special court, *see* above under name of court

659

## Fees (general)

- a** Mass. Abolishing certain fees in Municipal, District and Police Courts, also fees of auditor, referee, master or assessor. Amending R. L. ch.204 §2, 6. 350, 19 My 04



N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- b **Mass.** Fixing salaries of justices, clerks and assistants of District, Police and Municipal Courts; classification based on judicial districts. Repealing R. L. ch.160 §68. 453, 9 Je 04
- c **W. Va.** Amending C. ch.137 §7, 22-23 relating to fees of certain officers. 11, 12 Ag 04

663 **Constable**

- a **Ky.** Marshal in towns of 6th class may serve as constable in magisterial district without qualified constable. 100, 22 Mr 04
- b **O.** Regulating appointment, duties and compensation of constables for various courts. Amending R. S. §553. p.130, 21 Ap 04

669 **Notary public**

- a **Ga.** Fees of notaries public, for protesting or giving notice to indorsers, sureties or makers of commercial paper limited to \$1.50 each. p.97, 13 Ag 04
- b **Miss.** Governor may appoint 1 or more notaries public for each supervisor's district. Amending Ann. C. '92 §3040. 159, 12 F 04
- c **Va.** Notaries under 21 years may sue for fees. 12, 8 F 04
- d **Va.** Notaries may give bond before *clerk of Circuit or Corporation Court*; to qualify within 4 months. Amending C. §923. 38, 27 F 04

671 **Clerks of courts**

- a **Ky.** Amending '93 ch.226 as to certain fees of clerks of courts. 121, 26 Mr 04
- b **Va.** Amending C. §3174 relating to examination of office of clerks of various courts. 390 (ex. sess.), 10 D 03

675 **Public prosecutor**

*See also 50, Attorney general*

677 **County attorney**

- a **Ala.** Justice of peace who is county solicitor may not issue warrant of arrest returnable to court in which he prosecutes. Amending C. §4600. p.283, 28 S 03
- b **O.** Judges of common pleas of county to fix annually total aggregate to be expended for assistants, clerks and stenographers in office of prosecuting attorney; latter to appoint assistants and fix salary within limit set. Repealing sundry general and special acts. p.314, 25 Ap 04

679 **District attorney**

- a **La.** Submitting amendment to Const. 1898 art.125: vacancies in office of district attorney to be filled by election if unexpired portion of term exceed 1 year or by governor if less than year. *Adopted November 1904.* 140, 6 Jl 04
- b **La.** Fees of district attorneys for prosecution of criminal cases in city courts not to be charged against parish. Amending '80 ch.96 §1. 151, 6 Jl 04



## CIVIL LAW ADMINISTRATION OF JUSTICE

- c** N. Y. District attorneys in counties over 65,000 [formerly 70,000] may appoint assistant. Amending county law '92 ch.686 §202. 78, 18 Mr 04

**681 Circuit solicitor**

- a** Ala. Providing for election of solicitors in each judicial circuit according to Const. 1901 §167. p.165, 6 Mr 03
- b** Ala. Amending C. §5522, 5524 relating to appointment and compensation of solicitors pro tem. p.417, 10 O 03

**687 State's attorney**

- a** Va. Attorney for commonwealth to be present at meetings of county supervisors and give counsel. Amending C. §836. 32, 23 F 04

**691 Sheriff**

- a** Ky. Sheriff's fee for advertising delinquent tax list, \$1 [formerly \$2]. Amending '02 ch.128 art.7 §23. 49, 21 Mr 04
- b** La. Submitting amendment to Const. 1898 art.119: vacancies in office of sheriff, and ex officio collector of state and parish taxes to be filled by special election, if unexpired portion of term exceed year, or by governor if less than 1 year. *Adopted November 1904.* 138, 6 Jl 04
- c** S. C. Verbal amendment to C. C. §926 relating to vacancy in office of sheriff. 210, 19 F 04
- d** S. C. Minor amendment to C. C. §3118 relating to salaries of sheriffs. 234, 22 F 04

**693 Special commissioners**

- a** Va. Circuit or Corporation Court may during vacation appoint commissioner to convey title to land sold in chancery proceedings. Amending C. §3426. 407 (ex. sess.), 10 D 03

**694 Stenographers. Reporters**

- a** N. Y. Amending C. C. P. §258 relating to stenographers for certain judicial districts. 58, 9 Mr 04

**695 Civil procedure**

Including such provisions as apply to both civil and criminal cases. See also 428, Probate procedure; 489, Divorce

- a** N. J. Repealing sundry acts relating to the practice of courts of law. 120, 28 Mr 04

**697 Legal notices**

- a** Ia. Amending sundry laws relating to publication of legal notices. 2, 12 Ap 04
- b** O. Legal advertisements to be approved by court or clerk and allowed as costs. p.93, 19 Ap 04
- c** Va. Amending C. §3231 relating to publication of order of service: clerk to file certificate. 394 (ex. sess.), 10 D 03



699

**Commencement of action**

- a Ala. Filing of complaint with clerk of court to constitute commencement of suit. Amending C. §2814. p.370, 1 O 03
- b R. I. Person injured by crime may institute civil action *before* [formerly after] criminal complaint is made. Amending G. L. ch.233 §16. 1150, 25 Mr 04

700

**Complaint**

- a N. Y. Amending C. C. P. §531 as to bill of particulars. 500, 29 Ap 04

701

**Limitations**

- a Md. Payment of interest on bill or specialty to suspend operation of statute of limitations for 3 years. Amending C. art.57 §3-414, 8 Ap 04
- b S. C. Mortgages securing coupon bonds of corporations not to be subject to 20 year limitation. Amending C. C. §2449. 222, 20 F 04
- c Va. Extending to married women provisions of C. §2917 allowing further time to bring action for recovery of land. 462 (ex. sess.), 17 D 03
- d Va. Repealing as to married women C. §2757 relating to limitations of action in rejeatment by persons under disability. 472 (ex. sess.), 18 D 03

703

**Place of action. Jurisdiction***See also 604-55, Special courts*

- a Ala. Actions for personal injuries may be brought against corporation where injury occurred or county of plaintiff's residence, if corporation has agent there. Amending C. §4207. p.182, 5 Mr 03
- b Mass. Amending R. L. ch.167 §6 relative to negligence actions: venue to be in county of plaintiff's residence or business or where injury received. 320, 9 My 04
- c Va. Amending C. §3214 subdiv.6 relating to venue of actions against state officers and subdiv.7 relating to venue when judge interested. 409 (ex. sess.), 10 D 03
- d Va. Corporation or Hustings Courts to have concurrent jurisdiction with Circuit Courts *to enforce police regulations*. Amending C. §3055. 11, 8 F 04

705

**Summons. Process**

- a La. Amending Code of Practice art.180 fixing time for answering legal citation: delay not to exceed 15 days. 77, 4 Jl 04
- b N. Y. Summons in Justices Courts not to be made returnable on legal holiday. Amending C. C. P. §2877. 99, 18 Mr 04
- c N. Y. Amending C. C. P. §2879 as to service of summons in action in Justices Courts *on defendant doing business in county other than that of residence*. 527, 29 Ap 04



## CIVIL LAW ADMINISTRATION OF JUSTICE

- d** S. C. Summons by publication in Magistrates' Courts. Amending C. P. §156. 197, 11 F 04

**706** Civil arrest

- a** N. Y. Amending C. C. P. §145, 149-51, 158, 167, 169, 582 relating to jail liberties of civil prisoners and undertaking therefor. 384, 26 Ap 04

**707** Trial. Pleadings

**708** General and miscellaneous

- a** La. Providing for trial of cases on legal holidays and half holidays; Sundays and Christmas excepted. 6, 10 Je 04
- b** Md. Amending C. art.52 §29A, relating to postponement of proceedings in Justices Courts when fact of partnership, incorporation or representative character of any party is denied *under oath*. 89, 17 Mr 04
- c** Miss. Amending Ann. C. '92 §722 as to trial of issue of fact in Circuit Court. 142, 12 F 04
- d** N. Y. Amending C. C. P. §977 as to note of issue of trial. 474, 28 Ap 04
- e** N. Y. Statement may be submitted to court or referee before decision or report for rulings on law and fact. Adding §1023 to C. C. P. 491, 29 Ap 04
- f** N. Y. Verbal amendments to C. C. P. §481 subdiv.2, §500 subdiv.2, §514 relating to contents of complaint, answer and reply. 500, 29 Ap 04
- g** Va. Amending C. §3427 as to provision for hearing argument in Circuit and Corporation Courts in open court. 198, 15 Mr 04

**710** Change of venue or judge

- a** Mon. Amending C. C. P. §615 relating to change of place of trial of civil actions. 2 (2d ex. sess.), 10 D 03
- b** Mon. Amending C. C. P. §180 relating to disqualification of judges: judge disqualified for prejudice by affidavit of party to action. 3 (2d ex. sess.), 10 D 03
- c** Mon. Amending C. C. P. pt2 t.4 ch.4 by adding §620, 621 relating to costs on disqualification of judge or change of place of trial in civil actions. 5 (2d ex. sess.), 11 D 03
- d** Va. Amending C. §3316 as to motion and notice of removal of civil causes by circuit or corporation judges. Repealing C. §3315. 399 (ex. sess.), 10 D 03

**711** Equity causes

- a** Mon. Supreme Court to review the facts on the evidence in appealed equity cases. Amending C. C. P. §21. 1 (2d ex. sess.), 10 D 03



712

**Pleadings. Motions**

- a Va. Repealing '98 ch.634 which allowed remedy by motion for judgment in certain cases in County Court. 351 (ex. sess.), 8 D 03

716

**Evidence. Witnesses**

717

**General and miscellaneous**

- a Cal. Court may strike out answer of party on refusal to attend and give deposition. C. P. §1991. *Unconstitutional*. Restricts right to defend action. *Summerville v. Kelliher*, 77 P. 889 (1904).
- b Ky. Misdemeanor for witness to leave state or person to abet in same, to avoid testifying before legislative committee or grand jury. 74, 21 Mr 04
- c Miss. Witnesses in Chancery Court may testify in hearings to confirm sale in *partition proceedings*, to foreclose vendors lien, *ex parte petitions*. Amending Ann. C. '92 §1764. 148, 11 Mr 04

718

**Attendance and fees of witnesses**

- a Ala. Providing for payment of witness fees in criminal cases removed to United States Courts. p.369, 1 O 03
- b S. C. Minor amendment to C. C. §3131 relating to witness fees. 221, 20.F 04

719

**Books. Papers. Laws**

- a Va. Contents of papers filed in *Circuit, Corporation, County Court or office of clerks thereof* may be proved before special commissioner; *notice of order to parties interested*. Amending C. §3340-41. 57, 8 Mr 04

720

**Competence. Forms etc.**

- a Md. Amending C. art.35 §2 as to competency of certain witnesses in proceedings against executors, administrators, *heirs, devisees, legatees etc.* 661, 12 Ap 04
- b N. Y. Professional or registered nurses not to disclose professional information. Amending C. C. P. §834, 836. 331, 13 Ap 04
- c Or. Amending Ann. C. & S. §723 as to competency of certain witnesses in *suits by or against executor or administrator*. p.16, 24 D 03

721

**Depositions. Affidavits**

- a N. Y. Deposition of party to action in Court of Record may be taken before or *during trial*. Amending C. C. P. §870. 696, 9 My 04

725

**Jury. Verdict**

726

**General and miscellaneous**

- a Ala. Judge to try issues of fact in civil cases unless jury demanded; review by Supreme Court. Adding §917a to C. p.566, 12 O 03



## CIVIL LAW ADMINISTRATION OF JUSTICE

- b Va.** Male citizens over 21 [formerly 21-60], residents of state 2 years [formerly 1], of locality 1 year [formerly 3 months] liable to jury service; drawing; *in civil cases in Justices Courts, jury of 5, otherwise 7* [formerly with consent of parties]. Amending C. §3139, 3142-47, 3166-67. 384 (ex. sess.), 10 D 03
- c Va.** Either party in civil cases where jury consists of 12 entitled to 2 peremptory challenges. Amending C. §3154. 592 (ex. sess.), 11 Ja 04
- d Va.** Either party in civil cases entitled to 1 peremptory challenge [formerly 2] where jury consists of 7 [formerly 12]. Amending C. §3154. 36, 27 F 04

727

## Exemptions

- a Ala.** Practising dentist exempt from jury duty. p.352, 1 O 03
- b Ala.** Convict guards not to be exempt from jury duty. Amending C. §4455. p.369, 1 O 03
- c Ky.** Amending '93 ch.160 §18 as to exemption of honorary members of regiment or battalion from jury service on payment of \$25 [formerly \$100] annually. 52, 21 Mr 04
- d N. Y.** Licensed embalmers exempt from jury duty. Amending C. C. P. §1030 subdiv.4, §1081 subdiv.2, §1127 subdiv.2. 416, 27 Ap 04
- e Va.** Members, officers and clerks of State Corporation Commission exempt from jury service. Amending C. §3140. 384 (ex. sess.), 10 D 03
- f Va.** Amending '88 ch.110 exempting licensed undertakers from jury service. 593 (ex. sess.), 11 Ja 04

728

## Fees and mileage

- a Ia.** Amending C. §354 subdiv.1 as to compensation of jurors in Courts of Record: to include jurors on special venire. 14, 10 F 04

730

## Qualifications. Drawing. Impaneling

- a Miss.** Amending Ann. C. '92 §2363 relating to jury lists in counties having 2 Circuit Court districts. 151, 22 Mr 04
- b N. Y.** Jury list for Court of Record to be drawn 14 to 21 [formerly 20] days before trial term. Amending C. C. P. §1042. 613, 6 My 04
- c S. C.** Verbal amendment to C. C. §2940 relating to empaneling jurors. 226, 22 F 04
- d Va.** 9 [formerly 7] ballots to be drawn from jury box for civil cases. Amending C. §3146-47. 81, 8 Mr 04

733

## Appeals. Review

See also 436, Probate procedure

- a Ia.** Verbal amendment to C. §4134 relating to bond on appeal to Supreme Court. 125, 22 Mr 04



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- b** **Ia.** Abolishing assignment of error in appeals to Supreme Court. Amending C. §4136-37. 126, 18 F 04
- c** **Ky.** Appeals may be taken to Quarterly Court in *civil cases* [formerly involving over \$10]; bond not to be required of defendant in appeal on question of exemption. Amending '93 ch.221 §34 73, 21 Mr 04
- d** **La.** Supreme Court or Courts of Appeals may transfer records to proper court where case has been wrongly appealed. 56, 29 Je 04
- e** **La.** Amending Code of Practice art.1128, 1134-35 relative to appeals from judgments of justices of peace: appeals in *civil matters* to be allowed whether over or *under* \$10; citation; transcript. 197, 7 Jl 04
- f** **Md.** Regulating determination of appeals from Justices Courts to Circuit Court when appellant fails to appear. Amending C. art.5 §87. 662, 12 Ap 04
- g** **N. J.** Amending '03 ch.165 §80 as to demand for jury trial in hearings of appeals of small causes by Court of Common Pleas. 45, 22 Mr 04
- h** **N. J.** One of several defendants may appeal from judgment of small cause court. Supplementing '03 ch.165. 84, 28 Mr 04
- i** **N. Y.** Amending C. C. P. §1187 as to appeals from nonsuit or general verdict. 131, 28 Mr 04
- j** **N. Y.** Amending C. C. P. §1344 relating to appeals from inferior courts to Supreme Court. 502, 29 Ap 04
- k** **O.** Amending R. S. §5227 relative to notice of appeal to Circuit Court and undertaking therefor. p.394, 25 Ap 04
- m** **Va.** No appeal 1 year after final judgment or where action for less than \$300 [formerly \$500]; *exception*. Amending C. §3455. 373 (ex. sess.), 10 D 03
- n** **Va.** Miscellaneous amendments to C. ch.170 relating to appeal, writ of error or supersedeas. Repealing C. §3453, 3468, 3473, 3482-83, 3487. 499 (ex. sess.), 31 D 03

734

**Exceptions**

- a** **Ala.** Amending C. §614 relating to bill of exceptions. p.34, 2 F 03
- b** **Ala.** Amending C. §465 relating to bill of exceptions: to be signed within 20 [formerly 10] days; time may be extended by judge or counsel not exceeding 6 months. p.74, 3 Mr 03
- c** **Ala.** Amending C. §621 relating to bill of exceptions: appeal to Supreme Court *within 30 days*, if judge refuses to sign. p.396, 6 O 03
- d** **Ala.** Amending C. §622 relating to time for filing bill of exceptions in Supreme Court when not signed by inferior judge. p.398, 6 O 03



## CIVIL LAW ADMINISTRATION OF JUSTICE

- O. Amending R. S. §5301-1a and adding §5302a relating to time for filing bill of exceptions. p.461, 26 Ap 04

735

## Judgments

- a Ala. Judgments: registration; liens; execution. p.273, 26 S 03
- b Fla. Submitting amendment to Const. 1885 art.16 §6: *opinion* [formerly decision] of Supreme Court to be filed before judgment takes effect. *Rejected November 1904.* p.639, '03
- c La. Judgments in District Courts to be signed in 3 days from rendition, according to Const. 1898 art.117. Amending '98 ch.163 §5. 40, 25 Je 04
- d La. Amending Code of Practice art.312 relating to confirmation by default: definitive judgment after 2 days, *Sundays and legal holidays excluded.* 90, 4 Jl 04
- e N. J. Defendant in District Court may before judgment pay claim of plaintiff including cost and *attorneys fee of 5% of amount paid.* Amending '98 ch.228 §155. 115, 28 Mr 04
- f S. C. Clerk of Supreme Court to send copy of opinion with each judgment; clerks fee \$1.50. Amending C. P. §12. 205, 18 F 04
- g Va. Amending C. §4060 as to docketing judgment of Supreme Court of Appeals by inferior court. 403 (ex. sess.), 10 D 03
- h Va. Amending C. §3426 as to notice of interlocutory decree made by circuit judge in vacation. 407 (ex. sess.), 10 D 03
- i Va. Amending C. §3559-60, 3562 relating to docketing of judgments by clerks of courts. 498 (ex. sess.), 31 D 03

736

## Executions. Judicial sales

*See also 451, Exemption from execution*

- a Ala. Executions to issue 10 days after judgment. Amending C. §917. p.566, 12 O 03
- b N. J. Sale of real estate under execution not to be attacked 6 years after judgment because of irregularities in notice and order. 38, 16 Mr 04
- c Va. Amending C. §3599 relating to quashing of executions. 524 (ex. sess.), 31 D 03
- d Va. Amending C. §907 as to posting and time of judicial sale of mules, horses and oxen. 78, 8 Mr 04

737

## Costs. Bonds

- a Ala. Attorney's fee to be allowed in trust, partition and distribution proceedings in Probate and Chancery Courts. p.33, 2 F 03
- b Ia. Regulating costs in contract actions in Justices Courts where judgment for defendant on nonappearance of plaintiff. Amending C. §4481. 128, 9 Ap 04
- c Mass. Costs of \$25 [formerly \$10] to be allowed successful party for printing briefs in law cases in Supreme Judicial Court. Amending R. L. ch.203 §26. 413. 3 Je 04



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- d N. Y. Amending C. C. P. §3268 relating to demand by defendant of security for costs. 524, 29 Ap 04
- e Va. Amending C. §3552 as to certain fees of attorneys in taxing of costs. 501 (ex. sess.), 31 D 03

739

## Special actions

741

## Attachment

*See also 451, Exemption from execution*

- a Ga. Fixing situs of debts due nonresidents for purposes of attachment. p.100, 13 Ag 04
- b Ia. Release of attachment of real property to be recorded by clerk of county where located, on notification from clerk of county where action commenced; fees. 123, 17 Mr 04
- c N. Y. Claimant to personal property seized under attachment may obtain discharge by giving undertaking; proceedings. Adding §658a to C. C. P. 293, 13 Ap 04
- d N. Y. Amending C. C. P. §657-58, 1418-19 relating to claims of third party to property levied by sheriff: procedure. 541, 3 My 04
- e S. C. Real or personal property may be attached in action for purchase money. 260, 25 F 04
- f Va. Amending C. §2961-62, 2965 relative to attachment against debtor removing effects out of state, also against tenant removing effects from leased premises. 377 (ex. sess.), 10 D 03
- g Va. Attachment may be levied against any remainder of non-resident or of absconding debtor; contingent remainder not to be sold till vested but judgment to be lien. Amending C. §2967. 31, 19 F 04
- h Va. Judge of Circuit or *Corporation* Court in vacation may after *reasonable* [formerly 10 days] notice to attaching creditor, quash attachment. Amending C. §2981. 52, 8 Mr 04

## 742 Garnishment

- a Ia. Wages of nonresident earned outside state to be protected from garnishment by nonresident creditor on cause of action arising without state. 124, 7 Mr 04
- b La. Protecting employees in garnishment cases: wages earned without state to be exempt from attachment if cause of action arose without state. 165, 5 Jl 04

746

## Replevin

- a Md. Bond by plaintiff in replevin to be given to state for use of parties interested who may maintain action thereon in name of state. Adding §111A to C. art.75. 26, 9 Mr 04

748

## Title and possession of property

- a Ala. *Standing timber not to be cut till deed for tax sale is received.* Amending C. §4099. p.410, 10 O 03



## ADMINISTRATIVE LAW OFFICERS

- b**    **La.** Defining manner of giving notice of pendency of action regarding title, mortgage or lien on realty. 22, 17 Je 04
  - c**    **La.** Curator ad hoc to be appointed for absentees in partition or expropriation suits when residence of defendant unknown to plaintiff. Amending Code of Practice art.116. 190, 7 Jl 04
  - d**    **N. J.** Evidence of assignment by landlord to plaintiff may be offered in action for recovery of premises. Supplementing R. S. '74 p.422. 124, 28 Mr 04
  - e**    **N. Y.** Lis pendens may be filed, *if complaint is verified*. Amending C. C. P. §1670. 518, 29 Ap 04
  - f**    **N. Y.** Amending C. C. P. §1638-39 relating to actions to compel determination of claims to real property. 526, 29 Ap 04
  - g**    **Va.** Amending C. §2716-20 relating to summary remedy for unlawful entry or detainer of land. 439 (ex. sess.), 12 D 03
  - h**    **Va.** Amending as to land of feme covert C. §2773, relating to value of plaintiff's estate in ejectment proceedings. 453 (ex. sess.), 12 D 03
  - i**    **Va.** Writs of possession in cases of unlawful entry on city, town or suburban property to be made returnable within 30 days. Amending C. §3584. 524 (ex. sess.), 31 D 03
  - j**    **Va.** Establishing rule of evidence in actions of ejectment and unlawful entry or detainer of lands of certain description. 566 (ex. sess.), 2 Ja 04
- 749**    **Writs: certiorari, injunction, mandamus, prohibition, quo warranto, scire facias**
- a**    **N. J.** Repealing sundry acts relating to mandamus. 121, 28 Mr 04
  - b**    **N. J.** Repealing sundry acts relating to quo warranto. 123, 28 Mr 04
  - c**    **N. J.** Repealing sundry acts relating to writs of certiorari. 161, 29 Mr 04
  - d**    **Va.** Supreme Court of Appeals may issue mandamus and prohibition to *State Corporation Commission, or wherever writs would lie at common law*. Amending C. §3086. 414 (ex. sess.), 10 D 03

750

## ADMINISTRATIVE LAW

This and Constitutional law, 15, make up what is commonly known as the Political Code

753

## Officers. Civil service

*See also* 38, State departments; 2472, Municipal civil service; 2511, County civil service

754

## General

- a**    **Va.** List of county, district and city officials with date of appointment, election and terms to be sent annually to secretary of



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state by clerks of Circuit and Corporation Courts; notice of vacancies. 321 (ex. sess.), 17 N 03

- b Va. Amending C. §223-33, 235 relating to certain state officers elected by joint vote of Legislature: superintendent of State Penitentiary: term 4 [formerly 2] years; bonds; suspension; vacancies. 362 (ex. sess.), 10 D 03

756 Appointment

- a Va. Generally amending C. ch.35 relating to qualifications of county, city and district officers. 418 (ex. sess.), 10 D 03; 463 (ex. sess.), 17 D 03

757 Vacancies

- a Miss. Provision for filling vacancies in state offices. Amending '02 ch.71 §1. 130, 11 Mr 04

758 Civil service examination

See also 2256, Teachers

- a Mass. Applicants may be certified 3 times to same civil service position, except in case of moral unfitness. 198, 31 Mr 04

760 Oath. Installation

- a Va. Amending C. §168-70, 175, 180 relating to general oath and oath against dueling to be taken by person entering office. Repealing '87 ch.406. 334 (ex. sess.), 3 D 03; 364 (ex. sess.), 10 D 03

761 Bonds. Sureties

- a Ala. Amending C. §3087 relating to legal effect of official bond. p.232, 9 S 03
- b Mass. Public officials having custody of official bonds to examine same annually as to sufficiency; laws requiring examination by Supreme Judicial or Superior Courts repealed. Amending R. L. ch.18 §16. 295, 4 My 04
- c Mass. *State treasurer and receiver general* [formerly state auditor of accounts] to approve certain official bonds. 431, 4 Je 04

762 Preference of veterans

- a Ia. Preference of veterans in appointment, employment and promotion to positions in public departments or on public works; removals. 9, 21 Mr 04
- b N. Y. Amending civil service law '99 ch.370, '01 ch.533 §2 relating to veterans of Civil War: to receive compensation from date of unjust removal. 637, 9 My 04

764 Reports

- a Va. Officers of executive department, also institutional boards and superintendents to report to governor on request; [formerly officials were designated, and quarterly reports required]. Amending C. §221. 428 (ex. sess.), 12 D 03



## ADMINISTRATIVE LAW FINANCE

765

**Salaries. Fees**

- a **Ia.** State boards and officials to turn fees into state treasury monthly, also to file monthly statements of expenses and per diem allowances with secretary of Executive Council. 7, 13 Ap 04
- b **Va.** Amending C. §3498, 3500, 3505-6, 3508, 3515, 3519, 3528 as to certain fees of secretary of state, clerk of House of Delegates, and various court officers. Repealing C. §3524.  
503 (ex. sess.), 31 D 03; 586 (ex. sess.), 11 Ja 04

767

**Tenure of office. Discipline***See also 1237, Passes*

- a **Ind.** Terms of judicial and county officers to begin Jan. 1, next succeeding election. 13, 11 F 03. *Unconstitutional.* Legislature can not postpone election of constitutional officers. *Gemmer v. State*, 71 N. E. 478 (1904).
- b **La.** Providing for suspension of delinquent official, according to Const. 1898 art.223: governor to appoint official to act during suspension. 9, 17 Je 04
- d **Mass.** Persons employed in classified civil service may not be removed, lowered in rank or pay, suspended or without consent transferred except for cause; procedure. 314, 9 My 04
- e **N. J.** Misdemeanor for state employees not to pay into state treasury money received for information given relating to departmental affairs. 238, 5 Ap 04
- f **O.** Submitting amendment to Const. 1851 by adding art.17: Legislature to fix even year terms of administrative and judicial officers within certain limits. *Vote November 1905.* p.640, 18 Mr 04

770

**Finance. Public property***See also 2237, School finance; 2550, Local finance*

772

**Domain. Property**

773

**Public lands***See also 2240, School lands*

774

**General and miscellaneous**

- a **La.** Register of land office from general election in April 1908 to be *elected* [formerly appointed by governor with consent of Senate] for 4 years; vacancy to be filled by appointee of governor. Amending '80 ch.75 §2. 193, 7 Jl 04
- b **Md.** Appeals from judgments or orders of commissioner of land office to be taken within 2 [formerly 9] months. Amending C. art.5 §80. 143, 25 Mr 04
- c **Md.** Commissioner of land office may employ clerk to index records at salary, \$1000. Adding §2A to C. art.54. 495, 12 Ap 04



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- d Md. Amending C. art.54 §33A as to sale of certificate of survey within *2 months* [formerly 60 days] for nonpayment of amount due thereon; procedure for annulment of certificate when owner can not be found for purpose of service of notice. 570, 8 Ap 04

776 Sale. Settlement. Appraisal

- a La. Governor to direct register of state land office to survey public unsurveyed lands and plat same for purposes of entry and sale; disposition of proceeds. 86, 4 Jl 04
- b Md. Governor, comptroller of treasury, and treasurer may sell, convey or lease to Baltimore city authorities, property of state lying within burnt district. 581, 12 Ap 04

777 Deeds. Titles

- a Miss. Amending '02 ch.74 §4 relating to cancelation of land patents: procedure. 131, 25 F 04

778 Tide, shore and swamp lands

- a Ala. Granting to trustees of state insane hospitals, unsold swamp and overflowed lands granted to state in 1850; regulations. p.495, 10 O 03
- b Ia. State may sell or dispose of abandoned river channels and land within same, also sand bars or islands in navigable waters of state; provision for appointment of boundary commission. 185, 11 Ap 04
- c Ia. Executive Council may survey meandered lakes and lake beds; decide on lakes to be retained as state property, and on lake beds to be drained and sold; procedure. 186, 29 Ap 04
- d Ia. Executive Council may lease or sell islands in meandered banks of rivers in state; procedure. 187, 29 Ap 04
- e La. Governor may execute in behalf of state waivers of claims of certain swamp land grants required by United States. 75, 4 Jl 04
- f Mass. State Board of Harbor and Land Commissioners may sell or lease islands in state ponds on approval of governor and Council. 379, 25 My 04

778(5) Timber

- a N. Y. Amending Indian law '92 ch.679 §59 relative to removing timber on certain reservations. 475, 28 Ap 04

779 Buildings. Property and supplies

780 Buildings and grounds

- a Md. Amending '88 ch.175 §1 providing for appointment of guards for state buildings in Annapolis: governor to appoint assistant superintendent of public buildings and grounds at salary \$720, also additional employees. 152, 25 Mr 04



## ADMINISTRATIVE LAW FINANCE

- b N. Y. Municipalities may not alter state architect's plans for state buildings or for plumbing or sewerage connected therewith. Amending public buildings law '93 ch.227 §8. 117, 23 Mr 04
- c Va. Amending C. §288, 299 defining duties of register of land office acting as superintendent of *grounds and* public buildings; to be under direction of governor; salary [formerly \$1200]. 454 (ex. sess.), 14 D 03
- r **Capitol**
- a Ala. Appointing Capitol Building Commission to contract for enlargement of capitol; report to Legislature of 1907; \$150,000. p.57, 17 F 03
- b Ky. Commissioners of Sinking Fund of Kentucky constituted Board of Capitol Commissioners; to erect and complete capitol buildings at Frankfort; reports to governor and Legislature; \$1,000,000. 2, 6 F 04
- c Miss. Creating permanent Capitol Commission; superintendent may be employed at \$1200 salary to supervise capitol and grounds. 109, 10 Mr 04
- d Mo. Amending Const. 1875 art.10 by adding section: authorizing  $\frac{1}{2}$  mill tax for 5 years for erection of new state capitol. *Rejected November 1904.* p.284, '03
- e N. J. Salary of custodian of state capitol \$2500 [formerly \$2000]. Amending '94 ch.339 §1. 100, 28 Mr 04
- f S. C. Joint legislative commission of 5 members to be appointed to direct completion of statehouse according to recommendations of commission appointed in 1903; \$50,000. 374, 25 F 04
- g Va. Joint committee, consisting of governor, 3 senators and 3 delegates, to supervise enlargement and restoration of state capitol; [replacing joint committee appointed by '02 ch.452 p.465]; \$150,000 additional appropriation. 62, 7 Mr 04

## 4 Property and supplies generally

## 7 Contracts and supplies

- a Md. Board of Public Works to advertise for bids and award contracts annually for supply of stationery etc., required by certain state departments; procedure. 397, 8 Ap 04
- o **State institutions**
- a N. Y. Amending state finance law '97 ch.413 by adding §40 relative to estimates for staple articles of supplies submitted by state institutions. 448, 27 Ap 04
- b Va. Amending C. §4162 and repealing §4163 relating to purchase of supplies for State Penitentiary and Prison Farm; monthly reports of superintendents. 444 (ex. sess.), 12 D 03



793

**Public works**

798

**State parks**

- a **Mass.** Amending '03 ch.264 §1 relating to Mount Tom State Reservation. 351, 19 My 04

800

**Taxation (general)**

Relating chiefly to general property taxes. Under local finance are placed only those tax laws which strictly belong there, as limitations of rates, etc. State and local taxes are usually collected together by local authorities; hence a separation would be confusing. *See also* 2713, Road taxes

801

**General and miscellaneous. State departments**

- a **Ala.** Providing for apportionment and collection of taxes in newly formed counties. p.87, 26 F 03
- b **Ala.** Generally amending C. ch.110, '01 p.210 relating to taxation. 48p. p.184, 4 Mr 03; p.295, 30 S 03; p.301, 30 S 03; p.305, 1 O 03; p.371, 1 O 03
- c **Md.** State Tax Commission may employ clerks at salaries of \$1800, \$1500, \$1200 [formerly \$1500, \$1200, \$600] respectively. Amending C. art.81 §132A. 368, 7 Ap 04
- d **Or.** Reenacting '03 p. 295 relative to assessment and collection of taxes; repealing Ann. C. & S. §3098 as to time of filing rate of tax levy with county clerk. p.3, 24 D 03; p.4, 24 D 03
- e **Va.** Generally amending C. §448-532 relating to taxation. 417 (ex. sess.), 10 D 03
- f **Va.** Amending '03 ch.148 §75-147 (ex. sess.) relating to revenue, so as to correct error in section numbering. 20, 19 F 04

807

**Separation of state and local taxation****808 Taxation of personal property**

- a **Miss.** Exempting bonds of all levee districts of state held by citizens from taxation. 94, 16 Mr 04
- b **N. J.** Tax paid by mortgagor to be credited as interest payment *unless agreed that no reduction be made from taxable value of land by reason of mortgage.* Amending '03 ch.208 §10. 112, 28 Mr 04
- c **N. D.** Submitting amendment to Const. 1889 §176: Legislature may tax grain in storage. *Adopted November 1904.* p.293, 2 Mr 03

809

**Exemptions from general property tax**

*See also* under special classes of taxes; also 1632, Encouragement of industries

810

**General and miscellaneous**

- a **Cal.** Submitting amendment to Const. 1879 art. 13 by adding §10½: personal property of every householder to \$100 exempt from taxation. *Adopted November 1904.* p.682, 26 F 03



## ADMINISTRATIVE LAW FINANCE

- b** Cal. Submitting amendment to Const. 1879 art. 13 by adding §1¾: ships or shipping engaged in foreign or domestic navigation or in fisheries exempt from taxation. *Rejected November 1904.*  
p.734, 6 Mr 03
- c** Col. Submitting amendment to Const. 1876 art.10 §3 relating to exemptions from taxation: repealing provision relating to special assessments; exemption of personal property. *Adopted November 1904.*  
74, 8 Ap 03
- d** N. Y. State Board of Tax Commissioners to make annual report to Legislature of exempt property of the several counties. Adding §15 to tax law '96 ch. 908 and repealing '00 ch.689.  
438, 27 Ap 04
- e** O. Land used as site for memorial monument also maintenance fund to be exempt from taxation. Amending R. S. §2732.  
p.115, 20 Ap 04
- f** O. Submitting amendment to Const. 1851 art.12 §2: state, local government and school bonds to be exempt from taxation. *Vote November 1905.*  
p.652, 25 Ap 04
- g** Or. Exempting from taxation personalty of aged, infirm and poor, also certain property of householders up to \$300. Adding subdiv. 7, 8 to Ann. C. & S. §3039, '03 p.216.  
p.28, 22 D 03

**812 Charitable, educational and religious institutions and societies**

- a** Cal. Submitting amendment to Const. 1879 art.9 by adding §12: property of California Academy of Sciences exempt from taxation. *Adopted November 1904.*  
p.598, 6 F 03
- b** Md. Amending C. art.81 §4 as to exemptions from taxation of incorporated educational and literary institutions. 460, 8 Ap 04

**818 Assessment****819 General and miscellaneous. Return by taxpayer**

- a** Ala. Fixing term of office of county tax assessor at 4 years; election; commencement of term. p.370, 1 O 03
- b** Mass. Fixing basis of apportionment of state and county taxes. 178, 23 Mr 04
- c** N. J. Creating city boards of assessment where not provided by charter; cities of 150,000 excepted; powers and duties. 225, 30 Mr 04
- d** N. Y. Amending town law '90 ch.569 §178 as to compensation of town assessors. 124, 23 Mr 04
- e** N. Y. Amending tax law '96 ch. 908 §38 as to filing of town assessment rolls. 279, 13 Ap 04
- f** O. Township assessors serving by appointment to hold office till successors are elected. Amending '04 p.37. p.62, 31 Mr 04



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- g** O. County auditor to fill vacancies in office of assessor in municipality, on failure to elect assessor in ward or precinct or on removal of latter after election. Amending R. S. §1518. p.75, 7 Ap 04
- h** O. Township trustees to appoint assessor on removal of latter from precinct or township where elected. Amending R. S. §1451. p.76, 7 Ap 04
- i** Or. School districts, municipalities and *public corporations authorized to levy a tax* to file with county clerk rate of tax levy by Jan. 1 [formerly Sep. 1] proviso. Amending Ann. C. & S. §3098. p.22, 24 D 03
- j** Va. Amending C. §567-68, 571, 573, 578 relating to erroneous assessment of real and personal property; procedure. 443 (ex. sess.), 12 D 03
- k** W. Va. Revision of C. ch.29 relating to assessment of taxes. 46p. 4, 15 Ag 04

820

Assessment of real estate

- a** Ala. Governing board of county to prepare county map or plat book for tax purposes. p.416, 10 O 03
- b** Ky. Tax valuation of real property to be taken as on Sep. 1 by county assessor. 130, 26 Mr 04
- c** O. Provision for assessing lands where fee of soil and minerals is not in same person. Adding §2792a to R. S. p.294, 23 Ap 04
- d** O. Provision for appointment of draftsman and assistants to prepare tax maps of county subdivisions; salaries. Amending R. S. §2789a-b. p.489, 26 Ap 04
- e** Va. Revising C. ch.23 relating to assessment of lands. 388 (ex. sess.), 10 D 03
- f** Va. Amending C. §458 as to listing of property in land books by city and county commissioners of revenue. 27, 19 F 04
- g** Va. Amending C. §444 providing for correction of erroneous assessment of lands. 195, 15 Mr 04
- h** W. Va. Providing for reassessment of real estate to be used as basis for tax levy in 1906; Board of Public Works constituted Board of Review and Equalization; powers and duties. 15, 12 Ag 04

823

Personal property

- a** Ga. Tax returns on *personal* property to be made to county receiver where person resides or office of company is located; property of business corporation conducted on realty to be taxed in county where realty is taxed. Amending C. §826. p.54, 15 Ag 04
- b** Va. Amending C. §504 as to personal property list: identification of persons with same family name; penalty. 26, 19 F 04



ADMINISTRATIVE LAW FINANCE

825

**Review. Equalization. Adjustment**

For equalization by state boards, *see also* 801, General and miscellaneous

- a N. J. State Board of Taxation to review actions of local assessors and boards of tax review on complaint; *board may on application of property owners correct assessments.* Amending '03 ch.208 §34. 180, 29 Mr 04
- b N. Y. County commissioners to examine town assessment valuations biennially or oftener for equalization of taxes. Amending '96 ch.820 §2. 155, 28 Mr 04
- c N. Y. Amending tax law '96 ch.908 §35 as to review of assessments on application of nonresident owner. 385, 26 Ap 04
- d O. Amending '02 p.481 §3 as to compensation of members of board of review of municipality. p.313, 23 Ap 04

827

**Collection**

- a Ala. Fixing term of office of county tax collector at 4 years; election; commencement of term. p.370, 1 O 03
- b Ky. Amending '02 ch.128 art.5 §1 relating to payment of state and county taxes by owners of bonded warehouses. 40, 18 Mr 04
- c Ky. Board of trustees of towns of 6th class may appoint sheriff as tax collector. Amending '93 ch.196 art.9 §32. 88, 22 Mr 04
- d Miss. Amending Ann. C. '92 §3840 and repealing §3852 relating to settlement of retiring tax collector: on failure to pay over taxes, collector to pay damages of 30% and 6% interest on principal and damages. 161, 18 Mr 04; 162, 22 Mr 04
- e W. Va. Revision of C. ch.30 relating to collection of taxes. 11p. 5, 13 Ag 04

828

**Refund**

- a Ala. Provision for refunding taxes paid erroneously; procedure. p.278, 29 S 03

829

**Delinquent taxes. Tax sales. Redemption**

- a Ala. Town tax collectors required to give 30 days notice before charging fees for collection. p.410, 10 O 03
- b Ga. Municipal corporations may quitclaim to owner property sold for taxes. Amending C. §735. p.52, 13 Ag 04
- c Ga. Amending C. §821 relating to sale of wild lands for delinquent taxes. p.53, 15 Ag 04
- d Ga. Amending C. §892 authorizing issue of alias execution for collection of municipal taxes. p.55, 13 Ag 04
- e N. J. Amending '03 ch.208 §44, 51 as to sale of goods and chattels, also of real property for delinquent taxes. 75, 28 Mr 04
- f N. J. Cities under 12,000 may elect collector of delinquent taxes for 1 year. 179, 29 Mr 04



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- g N. J. Unpaid taxes to be determined by Chancery Court, when records destroyed; procedure; lien; costs and fees. 187, 29 Mr 04
- h N. J. Proceedings for purchase of land under tax sale may be completed by guardian of minor when purchaser dies. Supplementing '86 ch.112. 190, 29 Mr 04
- i N. J. Board controlling city finances to make settlement of taxes when lien of city is questioned; procedure. 207, 30 Mr 04
- j N. J. Lands sold for taxes and not redeemed, subject to proceedings defined by '86 ch.112. 208, 30 Mr 04
- k N. Y. Amending village law '97 ch.414 §120 requiring notice of tax sales to be published in *official* [formerly every village] newspaper. 34, 1 Mr 04
- m N. Y. Amending village law '97 ch.414 §133 relating to tax sales [formerly in villages of 5000]. 101, 18 Mr 04
- n N. Y. Amending tax law '96 ch.908 §152 as to costs of publishing notices for redemption of tax lands sold by county treasurer. 535, 29 Ap 04
- p N. C. Providing for ipso facto forfeiture of swamp lands granted by the state, on arrearage of taxes. 243, 2 Mr 89. *Unconstitutional*. Deprives of property without process of law. *Parish v. East Coast Cedar Co.*, 45 S. E. 768 (1903).
- q O. Amending R. S. §2847 relating to payment of taxes by other than owner: certificate of authority from owner to be filed *in separate book* by county recorder. p.100, 19 Ap 04
- r O. Amending R. S. §1104 relating to enforcement of lien for unpaid taxes. p.403, 25 Ap 04
- s Or. Tax lands to be sold to bidder accepting lowest rate of interest *not exceeding 10%*. Amending Ann. C. & S. §3122. p.24, 23 D 03
- t S. D. Receipt of taxes for any year not to be issued till all prior taxes paid. 150, 30 Ja 90. *Unconstitutional* as to §3, making receipt conclusive evidence of payment. Deprives county of property without process of law. *Harris v. Stearns*, 97 N. W. 361 (1903).
- u Va. Generally amending C. ch.28 relating to procedure in sale of delinquent tax lands. 452 (ex. sess.), 12 D 03
- v Va. Amending C. §623 relating to distress made by local treasurer for taxes and levies. 589 (ex. sess.), 11 Ja 04
- w Va. Amending C. §607-8 relative to delinquent tax lists. 94, 10 Mr 04
- x Va. Fixing date from which interest shall be charged on unpaid taxes. 118, 12 Mr 04
- y Va. Amending C. §637 as to posting and publication of delinquent tax lists. 125, 12 Mr 04



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**Poll taxes***See also* 132, Suffrage; 2714, Roads

- a Ala. Regulating collection of poll taxes. p.42, 12 F 03
- b Ala. County tax collectors to file annually with judge of probate lists of paid poll taxes. p.394, 6 O 03
- c Va. Real estate may not be sold for payment of state poll tax till 3 years past due. Amending '96 ch.380. 338 (ex. sess.), 3 D 03
- d Va. Prescribing manner in which registered voter not assessed with state poll tax may pay tax. 342 (ex. sess.), 4 D 03
- e Va. Provision for posting lists of persons who have paid state poll taxes; compensation; regulations; penalties. 89, 10 Mr 04

**832 Business taxes. Revenue, license or privilege taxes***See also* 842, Incorporation taxes; 906, Liquor licenses; 1530, Regulation and licensing of trades and occupations

833

**General. Business and privilege taxes**

- a Ky. Repealing '02 ch.128 art.10 §54 which requires wholesale dealers in mineral waters to pay license tax. 54, 21 Mr 04
- b Ky. Fixing license tax to be paid by manufacturers of single stamped spirits; annual report to auditor of public accounts. 104, 24 Mr 04
- c Ky. Repealing '02 ch.128 art.10 §32 as to provision which imposes license tax on manufacturers of tobacco. 129, 26 Mr 04
- d La. Imposing license tax on dealers in pistols and pistol cartridges. 83, 9 Jl 00. *Unconstitutional*. Violates Const. 1898 §229, requiring license imposed to be graduated. *State v. Rittenburg*, 36 S. 330 (1904).
- e La. Wholesale and retail license tax to be levied on pistol and rifle cartridges, based on annual gross sales. 65, 29 Je 04
- f La. Municipalities levying license taxes for local improvements equal to those levied by police juries for same purposes to be exempt from parish licenses. 142, 6 Jl 04
- g Miss. General privilege or occupation tax law. 29p. Repealing '98 ch.5. 76, 16 Mr 04
- h N. C. Fixing taxes to be paid by dealers in various commodities. 9, 15 Mr 01. *Unconstitutional* as to §52 imposing tax on sale of sewing machines in state. Interference with interstate commerce, as applied to sale of machine shipped into state *C. O. D. Norfolk & W. Ry. Co. v. Sims*, 191 U. S. 441 (1903).
- i S. C. Confederate veterans exempt from paying licenses. 252, 25 F 04
- j Va. Amending C. §555, 559 as to attendance of license commissioners at terms of court and as to assignment of license by personal representative of deceased licensee. 356 (ex. ssess.), 8 D 03



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- k Va. Exempting certain persons conducting business at religious gatherings from license tax. 100, 10 Mr 04
- m Wash. Amending tax law. 141, 6 Mr 99. *Unconstitutional* as to §12, relating to certain deduction to itinerant merchants paying tax in previous year. Grants special privileges and immunities; taxes must not be commuted. *Nathan v. Spokane County*, 76 P. 521 (1904).
- n W. Va. Revision of C. ch.32 relating to business license. 25p. 3, 13 Ag 04

### 834 Miscellaneous occupations, etc.

- a Md. Gipsies to obtain license to ply craft from clerk of Circuit Court of county; \$50 fee for each county; prosecution; 3 counties excepted. 485, 8 Ap 04
- b Va. Imposing license tax on gipsies and like strolling companies; \$500 to be paid to authorities of each county, where practising their craft. 69, 7 Mr 04

### 836 Inheritance taxes

- a Ia. Fixing tax rate on collateral inheritances passing to aliens. Amending C. §1467. 51, 6 Ap 04
- b La. Providing for levy of inheritance tax for support of public schools according to Const. 1898 §235-36; exempting property having paid just proportion of taxes prior to time of inheritance; method of payment; collection and distribution. 45, 28 Je 04
- c Md. Collateral inheritance tax to be lien on real estate for 4 years after death of decedent [formerly till paid]; defining powers of Orphans Court. Amending C. art.81 §113-16. 222, 1 Ap 04
- d Mass. State treasurer and receiver general on approval of attorney general may effect settlement of taxes on collateral legacies or successions in certain cases. 421, 3 Je 04
- e O. Providing for inheritance tax of 2% on estates over \$3000 passing to lineal heirs including brothers and sisters; procedure. p.398, 25 Ap 04
- f W. Va. Revision of C. ch.33 relating to tax on collateral inheritances. 9p. 6, 12 Ag 04

### 840 Corporation taxes

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### 841 General and miscellaneous

- a La. Amending '98 ch.106 §7 relating to suit for reduction of assessment of State Board of Appraisers; suit to be brought in *East Baton Rouge parish* [formerly at place of domicile of corporation making complaint]. 70, 1 Jl 04
- b Mass. Assessors to return annually to state tax commissioner names of foreign corporations having place of business within city or town. Amending R. L. ch.12 §93. 181, 26 Mr 04



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- c **Mass.** Amending '03 ch.437 §74 relative to taxation of domestic business corporations. 261, 25 Ap 04
- d **Mass.** Relating to assessment of taxes on corporations liable to franchise tax; effect of abatement of taxes by local authorities. 442, 8 Je 04
- e **N. J.** Corporations voided for nonpayment of taxes may be reinstated on payment of reasonable sum in lieu of said taxes; certain public service corporations excepted. Supplementing '96 ch.187. 219, 29 Mr 04
- f **O.** Capital stock of any *foreign* corporation not to be taxed on proof that two thirds of property of corporation is taxed within state and remainder elsewhere. Amending R. S. §148c. p.496, 27 Ap 04
- g **Va.** Providing remedy for erroneous tax assessments made by State Corporation Commission; procedure. 514 (ex. sess.), 31 D 03
- h **Va.** Providing for relief of corporations from erroneous taxation. 231, 15 Mr 04

## 842 Incorporation and license fees and taxes

- a **N. J.** Regulating licensing and taxing of foreign corporations. 221, 29 Mr 04
- b **S. C.** General law requiring annual reports and license fees from corporations. 269, 29 F 04

## 843 Banking institutions

*See also 1677, Banking*

- a **Ky.** Providing for taxation of shares of national banks; creating Board of Assessment; basis of valuation; annual report to be filed with auditor of public accounts by Mar. 1. 66, 21 Mr 04
- b **Md.** Savings banks with capital of \$20,000 subject to tax laws of state and receiving time deposits only at fixed rate of interest to be exempt from franchise tax. Adding §86B to C. art.81. 212, 1 Ap 04
- c **O.** Amending R. S. §2762, 2765-66, 2808-10 relating to taxation of banks: capital of unincorporated bank not divided into shares to be taxed at true value in money. Repealing §2759-59a, 2760-61. p.279, 23 Ap 04
- d **Va.** Undivided profits when paid to banking and trust company stockholders to be deducted from aggregate value of stock for tax purposes. Amending '03 ch.148 §17 (ex. sess.). 435 (ex. sess.), 12 D 03
- e **Va.** Building and loan associations exempted from franchise tax. Amending '03 ch.148 §43 (ex. sess.). 34, 23 F 04
- f **Va.** Building and loan associations to pay annual state franchise tax. Amending '03 ch.148 §43 (ex. sess.), '04 ch.34. 148, 14 Mr 04



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Insurance companies

See also 1730, Insurance

- a Neb. Providing mode of taxation of insurance companies. C. S. '01 §4319. *Unconstitutional* in so far as it exempts from taxation personal property of insurance companies; violates 1875 art.9 §1, providing for levying of taxes by valuation, at conformity of taxation. *State v. Insurance Co. of North America*, 99 N. W. 36 (1904).
- b Neb. Net receipts of insurance companies to be taxed of other tax on realty and fees imposed by G. S. '73 ch.33 §32. '01 §4319. *Unconstitutional* in so far as it exempts companies from taxation on personalty. Not within constitutional exemption. *State v. Insurance Co. of North America*, 100 N. W. 405 (1904).
- c N. Y. Life insurance companies organized outside States to pay annual tax of 1% on cash premiums within not taxed in other state. Amending insurance law '92 ch.6 §708, 11
- d O. Providing for suit by attorney general against foreign insurance companies failing to pay tax after notice; providing for Amending R. S. §2745. p.401, 26
- e S. C. Tax of 1½% on gross receipts of insurance companies. 274, 2
- f Va. Amending '03 ch.148 §25 as to exemption from taxation of life insurance companies not carrying on business for profit. 61, 7

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Transportation and transmission corporations

See also 1200, Transportation

- a Ia. Telegraph and telephone companies to file annual financial statement with *Executive Council* [formerly auditor of state] for assessment purposes; certification of county assessment. Amending C. §1328-29, 1330b. 44, 24 Mr 04; 45, 6
- b Ia. Amending C. §1334 requiring railway corporations to file annual statement with Executive Council. 46, 30
- c Ia. Amending C. §1342b, 1342d as to financial statement and assessment of freight line and equipment companies. 47, 13
- d Ia. Telegraph and telephone companies to file annual statement; county auditors maps of lines within each county for assessment purposes; regulations. 49, 6
- e Ia. Executive Council to classify railway corporations for assessment purposes; *Council* [formerly governor] to issue certificate of change of classification. Amending C. §2078. 75, 30
- f Ia. Providing for assessment of telephone and telegraph companies; Executive Council to deduct amount locally assessed and assess remainder at average rate. C. §1330, 1331. *Unconstitutional*. Violates Const. 1857 art.8 §2, requiring corporate property to be assessed at average rate.



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taxed the same as that of individuals. *Layman v. Iowa Telephone Co.*, 99 N. W. 205 (1904).

**g** Ky. Railroad bridges spanning state boundary line to be assessed by State Railroad Commission. 41, 19 Mr 04

**gi** Minn. Submitting to people proposition to increase gross earnings tax on railroads from 3% to 4%. *Adopted November 1904.*

253, 18 Ap 03

**h** N. Y. Amending '96 ch.908 §42 as to dates for filing assessments of special franchises in certain cities. 382, 26 Ap 04

**i** O. Extending to heating, cooling and water transportation companies provisions of R. S. §2780 subdiv.17-23 relative to listing of personal property. p.324, 25 Ap 04

**j** O. Providing for listing, appraisalment and equalization of suburban and interurban electric railroad companies; appointing county boards of appraisers and assessors; powers and duties; creating State Board of Equalization for electric railroads.

p.572, 6 My 04

**k** Tenn. General revenue act. 1, 29 Mr 87. *Unconstitutional* as to §5 imposing car tax on sleeping car companies. Regulation of interstate commerce. *Allen v. Pullman Co.*, 191 U. S. 171 (1903).

**m** Tenn. General law providing for assessment and collection of taxes. 257, 16 Ap 03. *Unconstitutional* as to section which renders street car and railroad companies leasing or selling advertising privileges, liable for tax imposed on such advertising. Deprives of property without due process of law. *Knoxville Traction Co. v. McMillan*, 77 S. W. 665 (1903).

**n** U. Amending tax law as to railroads and mines and as to duties of State Board of Equalization. 68, 9 Mr 99. *Unconstitutional* in so far as it empowers state board to assess railroads wholly within one county. Deprives of local self-government. *State v. Eldridge*, 76 P. 337 (1904).

**p** Va. Telephone companies with less than \$5000 capital exempted from franchise tax; railroad companies furnishing electricity or steam to pay franchise tax: mode of assessment. Amending '03 ch.148 §43 (ex. sess.), '04 ch.34. 148, 14 Mr 04

846

Mining

**a** Va. Repealing C. §472 relating to assessment of mineral-bearing lands. 417 (ex. sess.), 10 D 03

**b** Va. Repealing '03 ch.217 (ex. sess.) which provided for separate assessment of mineral lands, and of improvements thereon.

455 (ex. sess.), 15 D 03

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Budget

849

General

**a** Ala. Fixing rate for state taxation at 6½ mills. p.148, 4 Mr 03



- b Ga. Submitting amendment to Const. 1877 art.7 §1 by adding ¶2: Legislature may levy annual ad valorem tax on property not to exceed 5 mills on \$1. *Adopted October 1904.* p.21, 17 Ag 03
  - c Ky. Amending '02 ch.128 art.1 §1 reapportioning annual tax levy. 18, 4 Mr 04
  - d Md. Amending C. art.81 §22 providing for readjustment of annual tax rate. 343, 7 Ap 04
- 851 **Appropriation. Limit of expenditure**
  - a Va. Repealing C. §202 which prohibited Legislature from appropriating money by resolution only. 458 (ex. sess.), 17 D 03
  - b W. Va. State institutions, and boards or officials of state, county or school district not to divert appropriations, or incur indebtedness beyond appropriation. 16, 12 Ag 04
- 853 **Accounts, methods generally. Collection of moneys, warrants**
  - a Va. Amending C. §754, 765, 768, 774 as to interest on deposits, claims against State Corporation Commission and accounts of court expenses. 441 (ex. sess.), 12 D 03
- 854 **Collection of state claims and revenue**
  - a Ala. Providing for transfer to state treasury of money wrongly paid into county treasury. p.159, 5 Mr 03
  - b Ala. Governor may employ agents to recover money due state on account of Spanish War. p.161, 4 Mr 03
  - c La. Sheriffs and tax collectors to make monthly settlements with state auditor of public accounts. 136, 5 Jl 04
  - d N. Y. Attorney general may submit case on agreed statement of facts to court of record, agree to appointment and compensation of referee and employ counsel to recover state property. Adding subdiv.7 to executive law '92 ch.683 §52. 179, 30 Mr 04
  - e W. Va. Auditor may settle with sureties of sheriff or assessor in certain cases. Amending C. ch.35 §40. 10, 12 Ag 04
- 855 **Claims against state**
  - a N. Y. Term of judge of Court of Claims to hold over till successor has qualified. Amending C. C. P. §263. 16, 1 Mr 04
- 857 **Financial officers**
  - a S. C. Estate of deceased officer to pay over funds within 12 [formerly 2] months. Amending C. C. §605. 194, 11 F 04
  - b Tenn. Submitting amendment to Const. 1870 art.7 §3: state treasurer and comptroller to be *elected by qualified voters* [formerly by joint vote of Legislature]; term 4 [formerly 2] years. *Rejected November 1904.* 532, 2 Ap 03



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858 State auditor. Comptroller

- a Ky. \$3000 for additional clerk hire in department of auditor of public accounts. 24, 9 Mr 04
- b Miss. Office of auditor of public accounts to be open from 9 a.m. to 5 p.m.; [formerly closed from 12 m. till 2 p.m.]. Amending Ann. C. '92 §225. 139, 19 F 04
- c N. J. Creating office of state auditor to be attached to office of comptroller of treasury; to audit accounts of officials, departments, boards and commissions; governor may direct examination. Supplementing '65 ch.212. 198, 29 Mr 04
- d O. Auditor of state to appoint *deputy auditor of state* [formerly chief clerk]; bond; powers and duties. Amending R. S. §169-71. p.74, 7 Ap 04
- e Va. Salary of auditor of public accounts, \$4000 [formerly \$3000]. Amending '03 ch.62 §183 subdiv.4 (ex. sess.). 470 (ex. sess.), 18 D 03
- f W. Va. Fixing fees of auditor; monthly and annual reports to secretary of state. 13, 11 Ag 04

859 State treasurer

- a Ala. State treasurer may employ 3 clerks at salary, \$1500 each. p.154, 4 Mr 03
- b Ia. \$2000 annual appropriation for payment on bond of state treasurer and deputy state treasurer. 4, 9 Ap 04
- c Ky. \$1500 for additional clerk hire in office of state treasurer. 27, 12 Mr 04
- d Miss. Office of state treasurer to be open from 9 a.m. to 4 p.m. [formerly 9 to 12 a.m. and 2 to 5 p.m.]. Amending Ann. C. '92 §4203. 169, 19 F 04

862

Reports

- a La. Amending '94 ch.36 §1 as to publication of financial reports of state or district boards disbursing public funds. 175, 6 Jl 04

863 State institutions

- a W. Va. Amending C. ch.17 relating to financial transactions of public institutions; form of requisitions; methods of accounting; examination of accounts; summary to be included in biennial report of auditor to governor. Adding §20-23. 17, 12 Ag 04

864

Warrants

- a N. Y. Duplicate checks in lieu of treasurer's checks lost or destroyed may be executed by treasurer and comptroller. Amending state finance law '97 ch.413 §5. 95, 18 Mr 04
- b Va. Amending '90 ch.24 relative to issue of duplicate warrants by auditor of public accounts: duplicates may [formerly may not] be issued exceeding \$200 in value. 347 (ex. sess.), 8 D 03



- c S. C. Checks outstanding 2 years to be written off books; may be reissued on proof of nonpayment. 282, 25 F 04

865

## Debts. Bonds

- a Ark. Submitting amendment to Const. 1874 art.16 §1: state or local division may not loan credit, or local divisions may not issue local government bonds; cities over 2500 excepted. *Adopted November 1904.* p.484, 8 Ap 03
- b Mass. Regulating issue of state bonds by treasurer of commonwealth; exceptions. 263, 25 Ap 04
- d Va. Revision of C. ch.22 relating to public debt. 16p. 461 (ex. sess.), 17 D 03
- e Va. Amending C. §420-21 as to use of sinking fund in buying up state bonds; procedure. 84, 8 Mr 04

867

## Temporary debt

- a N. J. Amending '00 ch.12 providing for meeting deficit caused by erroneous apportionment of state and county taxes. 22, 7 Mr 04

868

## Deposits and depositories

- a Id. Relating to state deposits and depositories: State Board of Deposits created. p.375, 4 Mr 03. *Unconstitutional.* Subject not fairly indicated in title. *State v. Coffin*, 74 P. 962 (1903).
- b Ia. Depository of public funds to pay interest on same to state; rate to be fixed by treasurer and depository on approval of Executive Council. Amending C. §113. 3, 31 Mr 04
- c Miss. State or county officer may not carry or deposit public funds without state; penalties. 107, 22 Mr 04
- d N. Y. State depositories to file bond. Amending state finance law '97 ch.413 §8. 97, 18 Mr 04
- e O. Creating Board of Deposit to designate banks and trust companies for state depositories; latter to deposit with state treasurer bonds equal to amount deposited; regulations. p.535, 3 My 04
- f Va. Designating certain additional state depositories. Amending C. §753. 341 (ex. sess.), 3 D 03
- g Va. State depositories to pay 2½% on daily balances. Amending C. §753. 258, 15 Mr 04

870

## Public order

*See also* 234, Crimes and offenses; 1332, Railroads; 1374, Street railways

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## Police

*See also* 1334, Railroads; 1374, Street railways

873

## Peace officers

*See also* 663, Constable; 691, Sheriff

- a Ky. County judge on recommendation of any Chautauqua association may appoint special policemen. 58, 21 Mr 04



## ADMINISTRATIVE LAW PUBLIC ORDER

- b** O. Providing penalties for impersonating peace officer. Adding §3913a to R. S. p.319, 25 Ap 04
- c** S. C. Amending C. C. §833-35 providing for appointment of special peace officers in industrial communities of 50 [formerly 100] or more. 237, 22 F 04

874

## State and county police

- a** Mass. Abolishing fire marshals department under Department of District Police: transferring powers and duties, also officers, except deputy chief, to detective department and reorganizing latter. Repealing '02 ch.142 §2, 3, '03 ch.365 §1. 433, 8 Je 04
- b** O. Amending R. S. §409 subdiv.56 as to date of payment of annual tax on insurance companies to defray expenses of state fire marshal's department. p.418, 25 Ap 04
- c** Va. Circuit [formerly County] Court may appoint special police force of 2 [formerly 12] persons. Amending C. §3922. 485 (ex. sess.), 24 D 03

875

## Municipal police

876 Pensions

- a** Mass. Towns on two thirds vote at annual town meeting may retire on half pay members of police department incapacitated through service, or members, 60 years of age, after 25 years of continuous service; emergency service may be required. 327, 13 My 04
- b** Mo. Amending Const. 1875 art.4 §47: Legislature may authorize cities of 100,000 to provide pensions for disabled and superannuated policemen and relief for their widows and minor children. *Rejected November 1904.* p.279, '03
- c** O. Amending R. S. §1536 subdiv.597 relating to police relief fund: membership of board of trustees; rate of tax levy. p.241, 23 Ap 04

877

## Miscellaneous police regulations

*See also 256, Crimes against public order and security; 264, Crimes against public morals and the family; 1065, Nuisances; 1090, Public safety; 2722, Roads*

879

## Amusements

Relating chiefly to restricted amusements

883

## Gambling. Lotteries. Betting

- a** Ark. Misdemeanor to keep gambling devices or rent building for gambling; penalties; responsibility of city and town officials; penalty for granting immunity. 67, 27 Mr 01. *Unconstitutional.* Not passed by Legislature according to constitutional requirements. *Rogers v. State*, 82 S. W. 168 (1904).
- b** Md. Amending C. art.27 §129 providing penalty for certain kinds of gambling. 183, 29 Mr 04



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- c N. Y. Witness in gambling prosecutions not to be excused from testifying on grounds of self-incrimination; testimony not to be used against him. Amending Pen. C. §342. 649, 9 My 04
- d S. C. Slot machines unlawful: machines giving certain, uniform and fair returns excepted. 241, 25 F 04
- e S. C. Municipal officers may break open gambling rooms. 286, 1 Mr 04

## 887 Poolselling, bookmaking etc.

- a La. Misdemeanor to open or operate turf exchanges. 127, 5 Jl 04
- b La. Misdemeanor to open or conduct poolrooms. 128, 5 Jl 04

891

## Racing

*See also 887, Poolselling*

- a S. C. Prohibiting entering horse under assumed name, disguised or out of class. 296, 12 Mr 04

895

## Cruelty to children and animals

896

## Cruelty to animals

- a Ia. Fixing penalties for using live birds as targets. 96, 7 Mr 04
- b Ia. Prohibiting docking of horses; penalties. 135, 31 Mr 04
- c N. J. Misdemeanor to shoot at live pigeons, etc. or to lease building, room, field or premises for such purposes. 1 (ex. sess.), 12 Ap 04

900

## Intoxicating liquors. Narcotics

*See also 998, Adulteration*

902

## Prohibition

903

## Dispensaries

- a Ala. Misdemeanor to sell liquor in town with dispensary. p.373, 1 O 03
- c S. C. Miscellaneous amendments to '96 ch.61 relating to county dispensaries. 276, 25 F 04

904

## Local option

- a Ga. Amending C. §1541 relative to calling of special election for submitting question of local option; petition to be signed by *one third* [formerly one tenth] of electors of county; regulations. p.62, 15 Ag 04
- b Ky. Liquors not to be sold by wholesale in local option districts; manufacturers excepted; penalties. 76, 22 Mr 04
- c Miss. Amending Ann. C. '92 §1610 relating to local option by counties: special election not to be held within 2 months of any state, district or county election held under primary election laws; proceedings in case of withdrawal; petition being defeated not to be filed again for 2 years. 147, 21 Mr 04
- d O. Providing for local option in residence districts of municipalities on petition of 40% of electors; manner of holding special election; not to be reheled for 2 years; regulations. p.87, 19 Ap 04



## ADMINISTRATIVE LAW PUBLIC ORDER

- e Or. Providing for local option liquor law. 14p. Proposed by initiative petition and adopted June 6, 1904.
- f Va. Contests of local option elections to be determined by Circuit Court or Corporation Court of city or town; procedure. 328 (ex. sess.), 28 N 03
- g Va. Amending C. §581, 585 as to local option elections in towns. 361 (ex. sess.), 10 D 03
- h Va. Amending C. §585 as to holding of subsequent local option elections. 3, 2 F 04
- i Va. Relating to enforcement of local option laws: defining jurisdiction of courts as to water courses lying between counties. 207, 15 Mr 04

906

## Liquor licenses

## 907 General and miscellaneous

- a Ga. Regulating sale of domestic wines: retail dealers to pay license to city or county authorities. p.98, 13 Ag 04
- b Ia. Mulct tax receipts to be recorded by county treasurer and county auditor; semiannual settlement with county supervisors; manner of payment. Amending C. §2437-38. 83, 15 Mr 04
- c O. Providing for disposal of surplus liquor tax not used for support of city infirmary. Adding §4364 subdiv. 9a to R. S. p.286 23 Ap 04
- d Va. Auditor of public accounts may refund money to applicant for liquor license in case same is refused by town council on granting of license by County or Circuit Court. 468 (ex. sess.), 18 D 03
- e Va. Restricting sale of liquors by social clubs taxed for such purpose. Amending '03 ch.148 §144 (ex. sess.) and repealing '98 ch.443. 517 (ex. sess.), 31 D 03
- f Va. Amending '03 ch.148 §143 (ex. sess.) relating to liquor licenses. 579 (ex. sess.), 6 Ja 04
- g Va. Amending '03 ch.517 (ex. sess.), '04 ch.20 relating to licensing of social clubs to sell liquors; Sunday selling, and games of chance and slot machines prohibited; penalties. 116, 12 Mr 04
- h Va. Provision for refunding money to liquor dealers deprived of licenses by local option election or by establishment of dispensary. 165, 14 Mr 04

## 908 Excise boards

- a N. J. Excise boards in cities of 150,000 may appoint 2 license inspectors to each city and prescribe duties. Supplementing '03 ch.189. 162, 29 Mr 04
- b N. Y. Salary of special agent to be \$1000, \$1250 and \$1500 for 1st, 2d and 3d year respectively [formerly \$1200]. Amending liquor tax law '96 ch.112 §10. 348, 16 Ap 04



**909 Rates**

- a Ky.** Amending '02 ch.128 art.10 §25 fixing hotel license fee for retailing liquors \$160 [formerly \$235]. 87, 22 Mr 04

**910 Regulations and restrictions**

*See also 998, Adulteration*

**912 Restricted localities**

- a N. Y.** Amending liquor law '96 ch.112 §24 subdiv.2 prohibiting sale of liquors in certain places; exception. 485, 28 Ap 04

**915 Sunday sales**

- a Ala.** Prohibiting liquor selling on Sunday; penalties. p.64, 23 F 03
- b Va.** Amending C. §3804 prohibiting sale of intoxicating liquors on Sunday; fine \$100 to \$500 [formerly \$10-\$500] *and revocation of license.* 249, 15 Mr 04

**916 Illegal traffic**

- a Ia.** Defining procedure in case of injunction to suppress illegal sale of liquors. Amending C. §2406. 82, 7 Ap 04
- b Ia.** Illegal sale of intoxicating liquors; fixing penalty for bootlegging. 84, 6 Ap 04
- c Mass.** Abolishing fees for complainant against police officer failing to enforce law relative to sale of intoxicating liquor. Amending R. L. ch.100 §86. 122, 27 F 04

**921 Intoxication. Inebriates**

*See also 446, Guardianship*

**922 Institutions. Treatment**

- a Ia.** Establishing State Hospital for Inebriates, in former Industrial Home for Adult Blind, at Knoxville; to be used for detention and treatment of dipsomaniacs, inebriates and those addicted to drugs; organization and management; \$125,000. 80, 6 Ap 04

**924 Tobacco**

- a N. J.** Misdemeanor to sell cigarettes or tobacco to minors under 14. Supplementing '98 ch.235. 163, 29 Mr 04

**926 Opium, cocain etc.**

*See also 953, Sale of poisons*

- a Md.** Regulating sale or prescription of cocain, eucain, morphin and their compounds; penalties. 607, 12 Ap 04
- b N. J.** Regulating sale or prescription of cocain and its compounds; penalties. 76, 28 Mr 04
- c Va.** Pharmacist may not sell opium or its compounds except on prescription of physician, dentist or veterinary surgeon; prescription not to be refilled. Amending C. §1764. 175, 14 Mr 04



927

**Mob violence**

- a **Miss.** \$2500 for governor's contingent fund to suppress lawlessness. 42, 12 F 04
- b **O.** Mayors of municipal corporations may close saloons during riots; penalties. Adding §3096a to R. S. p.142, 21 Ap 04

929

**Sunday observance***See also 915, Intoxicating liquors*

- a **Ala.** Misdemeanor to play baseball, football, tennis or golf on Sunday. p.281, 28 S 03
- b **Mass.** Prohibiting hunting of birds, *wild animals* or game on Lord's day; penalties. Amending R. L. ch.92 §1. 176, 22 Mr 04
- c **Mass.** Amending R. L. ch.98 §1-2, 5, ch.102 §172-73 as to entertainments for religious or charitable purposes given on Lord's day. 460, 9 Je 04
- d **Va.** Appeals from conviction for violation of Sabbath may be taken within 10 days to Corporation or Hustings Court, or Circuit Court. Amending C. §3799. 43, 2 Mr 04

930

**Public health and safety**

932

**General supervision***See also 2160, Sick and disabled*

- a **Ala.** Misdemeanor to violate health or quarantine laws. p.418, 10 O 03
- b **Ala.** Revision of health law. 14p. p.499, 9 O 03
- c **Ind.** Amending '91 ch.15 establishing State Board of Health; local boards and regulations. 16, 7 F 99. *Unconstitutional*. Fails to set out in title full title of amended act. *Hendershot v. State*, 69 N. E. 679 (1904).
- d **Ia.** Amending C. §2564 as to time of meetings of State Board of Health. 97, 24 Mr 04
- e **Ky.** Amending '93 ch.185 §9 relative to appointment, powers and duties of county boards of health. 35, 18 Mr 04
- f **Miss.** State Board of Health to consist of 13 [formerly 12] physicians to be appointed by the governor, from each congressional district and 5 from state at large. Amending Ann. C. '92 §2267. 150, 12 F 04
- g **N. J.** Recorders and police justices to have jurisdiction over actions to enforce ordinances of local health board; disposition of fines. 127, 28 Mr 04
- h **N. J.** Appointment, powers and duties of boards of health in cities of 150,000. 189, 29 Mr 04
- i **N. Y.** Amending public health law '93 ch.661 relative to powers of State Department of Health. 484. 28 Ap 04



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- j O. Amending R. S. §1536 subdiv.727 relating to local health officers and appointees: appointments by local board to be made *with consent of council*; care of poor sick with contagious diseases by ward physicians. p.331, 25 Ap 04

934

Local boards and officers

- a La. Amending '98 ch.192 §5, '02 ch.150 §4 relating to appointment of local boards of health: members of municipal board not to hold any official position in town or city; term 4 years [formerly during term of body by which elected]; *board* [formerly local authorities] to fix salary of chairman and secretary. 184, 7 Jl 04
- b O. Amending R. S. §1536 subdiv.598 relating to sanitary police pension fund: rate of tax levy. p.241, 23 Ap 04
- c O. Council of city may require board of public service to act as board of health for city. Amending R. S. §1536 subdiv.723. p.460, 26 Ap 04
- d Va. Amending '00 ch.1146 §5, as to appointment of county and city boards of health by judges of Circuit and Corporation Courts. 487 (ex. sess.), 24 D 03
- e Va. Amending '00 ch.1146 §5 as to appointment of local boards of health by *circuit* [formerly county] or corporation judges. 35, 27 F 04

936

State laboratories

- a Ia. Establishing State Bacteriological Laboratory connected with medical department of State University at Iowa City; to make scientific analyses and investigation under direction of State Board of Health; \$6000 biennial appropriation. 101, 12 Ap 04

938

Vital statistics

*See also* 474, Family; 1048, Burial

- a Ia. State Board of Health to serve as state registrar of vital statistics; appointment of local health officers as subregistrars; burial and removal permits; birth certificates; monthly reports by subregistrars to state board. 100, 13 Ap 04
- b N. Y. Amending public health law '93 ch.661 §22 as to birth certificates. 392, 26 Ap 04
- c W. Va. Amending C. ch.63 §18-26, 34-35, 39 relating to vital statistics: births and deaths to be reported to *clerk of county court* [formerly assessor] and transmitted to *registrar of vital statistics* [formerly auditor]; *State Board of Health* [formerly auditor] to prepare blanks. Repealing §30-33. 12, 12 Ag 04

940

State control of medicine

942

Medical societies

- a N. Y. Authorizing consolidation of Medical Society of New York and New York State Medical Association. 1, 21 Ja 04



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- b** N. Y. Constitution and bylaws of county medical societies to conform to those of Medical Society of State of New York; *provided that county medical societies have control of real and personal property.* Amending '13 ch.94 §14, and repealing §5, 7. 544, 3 My 04
- c** N. Y. Amending '85 ch.379 §1 relating to membership in Medical Society of State of New York. 549, 3 My 04

943

License to practise

944

Medicine

*See also* 1588, Veterinary practice

- a** Ala. Designating subjects of examination for applicants to practise medicine. p.73, 26 F 03
- b** Ga. Board of Medical Examiners of Georgia may grant licenses to practise to licensees of other states without examination on payment of registration fee; reciprocal proviso. p.101, 13 Ag 04
- c** Ia. Physicians registered in other states may be admitted to practice without examination in certain cases; reciprocal proviso. Amending C. §2582. 102, 15 Mr 04
- d** Ky. Revision of '93 ch.179 regulating practice of medicine: State Board of Health to license on diploma *and examination*; osteopathy excepted; examinations to be prepared by committee representative of different medical schools; reorganization of state board; prohibitive license for itinerant doctors. 34, 18 Mr 04
- e** N. Y. Amending public health law '93 ch.661 §152 regulating practice of medicine: physicians serving *without salary* on medical staff of hospitals excepted. 211, 4 Ap 04
- f** N. C. Amending C. §3122 defining practice of medicine and surgery: applicants of other than regular school to be examined only on subjects taught in own college; proviso; osteopaths to be admitted as regular practitioners. 697, 9 Mr 03. *Unconstitutional.* Not within police power; deprives patient of choice; fosters monopolies. *State v. Biggs*, 46 S. E. 401 (1903).
- g** S. C. Revising law regulating practice of medicine. Repealing C. C. §1112. 292, 27 F 04

947

Osteopathy

- a** Ky. Osteopaths to be licensed to practise without examination by State Board of Health on diploma of college offering 4 terms of 5 months each. 34, 18 Mr 04

948

Dentistry

- a** Ky. Amending '93 ch.189 §1, 3-4, 6 regulating practice of dentistry: creating State Board of Dental Examiners; to license to practise on diploma of approved college and examination; exemptions; fees; annual report to governor. 32, 17 Mr 04
- b** Miss. Amending Ann. C. '92 §1528, 1531-32, 1540 relative to practice of dentistry: members of Board of Dental Examiners to



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be appointed from graduates of approved dental college; applicant for examination to have equivalent of high school education; subjects of examination designated. 145, 16 Mr 04

949

**Pharmacy**

- a Ga. Amending C. §1492 relating to State Board of Pharmacy: druggists connected with schools of pharmacy ineligible to membership; *semiannual* [formerly annual] meetings; issue of *permanent* licenses. p.59, 15 Ag 04; p.60, 12 Ag 04; p.61, 13 Ag 04

- b N. Y. State Board of Pharmacy to license to practise on examination and diploma of accredited school *requiring for entrance, examination in subjects equivalent to 12 Regents counts*. Amending '00 ch.667 §194 subdiv.6. 554, 3 My 04

952

**Sale of drugs**

- a N. J. Municipal authorities may regulate or prohibit distribution of medicine and medical circulars; proviso; penalty. 88, 28 Mr 04

- b N. J. Amending '01 ch.85 §2 defining impure drugs. 171, 29 Mr 04

953

**Poisons**

*See also* 926, Opium, cocain etc.

- a Ala. Retailers to record sales of poison, quantity, purchaser and date of sale; penalties. Amending C. §3254. p.372, 1 O 03

955

**Adulteration. Inspection of articles liable to affect public health**

*See also* 1466, Adulterations and imitations

956

**General**

- a Ky. Amending '00 ch.13 §8 as to fees for analysis of adulterated foods: annual expenditure limited to \$10,500 [formerly \$7500]. 63, 21 Mr 04

- b N. J. Municipal board of health may designate from sanitary inspectors, 1 or more inspectors of foods and drugs. Supplementing '01 ch.85. 211, 30 Mr 04

- c O. Amending R. S. §409 subdiv.9, 10, 14 relating to dairy and food department: commissioner may appoint 2 assistant commissioners [formerly 1] at \$1000 salary; extending provisions of law to include linseed oil; inspectors of department given power of entry and search in prosecution. p.30, 4 Mr 04

- d O. Salary of dairy and food commissioner, \$3500 [formerly \$2000]; expense allowance limited to \$750 a year. Amending '94 p.156 §1. p.64, 1 Ap 04

- e O. Amending R. S. §4200 subdiv.5-6 relating to adulteration of food and drugs: term food to include articles for food, drink, *confectionery and condiments*. p.116, 20 Ap 04



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- f **Va.** Defining procedure in prosecution for selling adulterated  
and misbranded foods; attorneys' fees. 16, 10 F 04

58 **Labels**

- a **S. C.** Misdemeanor to misbrand food products. 297, 12 Mr 04

10 **Milk and milk products**

1 **General**

- a **Ia.** Amending C. §2515 fixing salary of deputy and 2 assistant  
dairy commissioners [formerly 1] at \$1200 [formerly \$1000].  
88, 2 Ap 04

4 **Butter and cheese**

5 **Butter. Imitation and adulteration. Oleomargarin**

- a **W. Va.** Requiring oleomargarin to be colored pink. 8, 16 F 91.  
*Unconstitutional.* Regulation of interstate commerce. *State v.*  
*Bruce*, 47 S. E. 146 (1904).

6 **Cheese and its imitations**

- a **N. Y.** Amending '93 ch.338 §33 requiring manufacturers to  
brand *or label* cheese. 27, 1 Mr 04
- b **O.** Cheese containing less than 30% [formerly 20%] of pure  
butter fat to be labeled skimmed cheese; penalty for selling or  
*exposing* same for sale. Amending R. S. §4200 subdiv. 21, 23.  
p.252, 23 Ap 04

7 **Milk**

- a **N. J.** State Board of Health may apply to Court of Chancery  
for injunction to prohibit keeping milch cows in unwholesome  
places, or improper feeding. Supplementing '87 ch.68. 99, 28 Mr 04
- b **N. Y.** Prohibiting sale of adulterated milk *or imitation cream*.  
Amending agricultural law '93 ch.338 §22. 480, 28 Ap 04
- : **N. Y.** Regulating sale of certified milk. Amending agricultural  
law '93 ch.338 §22. 566, 3 My 04
- 1 **O.** Amending R. S. §4200 subdiv.2 defining adulteration of milk.  
p.119, 20 Ap 04

1 **Cans**

*See also 1502, Marks*

- 1 **N. J.** Milk shippers and persons receiving shipments to cleanse  
cans used for transportation; fine. Supplementing '01 ch.85.  
204, 30 Mr 04

1 **Test standard**

- 1 **O.** Regulating testing of milk; standard measures; penalties.  
p.285, 23 Ap 04

1 **Other articles of food and drink**

1 **Fruits**

- 1 **N. Y.** Prohibiting sale of evaporated apples other than standard;  
standard defined. Adding §185-86 to agricultural law '93 ch.338.  
391, 26 Ap 04



## Communicable diseases

998-1023

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998

#### Liquors. Alcohol

- a Md. Misdemeanor to manufacture or offer for sale flavoring extracts or essences containing wood alcohol. Adding §81B to C. art.43. 378, 7 Ap 04
- b Md. Misdemeanor to substitute wood alcohol for grain alcohol in retailing drugs, medicinal or chemical preparations. Adding §119B to C. art.27. 470, 8 Ap 04

1008

#### Sugars. Syrups. Confectionery

1012 Sugar. Syrup

- a O. Misdemeanor to manufacture, offer for sale or sell adulterated maple sugar or syrup; label to give address of packer. Amending and supplementing '00 p.316. p.46, 24 Mr 04

1014

#### Vinegar

- a Md. Restricting sale of adulterated apple or cider vinegar; prosecution. Adding §51A-F to C. art.43. 653, 12 Ap 04

1018

## Communicable diseases

*See also 1143, Communicable diseases of animals*

1020

#### Prevention and restriction (general)

- a Va. Large forces of men constructing works of public improvement to be inspected regularly by county boards of health at cost of corporation. 186, 14 Mr 04

1023

#### Quarantine and isolation

*See also 1053, Disposition of the dead*

- a Ia. Amending C. §2570a and repealing §2570b as to payment of expenses incurred by local boards of health in erecting and maintaining quarantine or detention hospital. 98, 6 Ap 04
- b Ia. Regulating removal of persons sick with infectious diseases; penalties. 99, 13 Ap 04
- c Mass. State Board of Charity may remove persons with infectious diseases to hospitals for state paupers or other place of reception. 395, 2 Je 04
- d N. J. Amending title of '03 ch.62 making it a misdemeanor to expose person to contagious disease. 169, 29 Mr 04
- e O. Expenses of quarantining county infirmary or other county institution to be paid by county; regulations. Amending R. S. §1536 subdiv.741. p.539, 3 My 04
- f Va. Amending C. §1721 and repealing §1722 as to establishment by county authorities of temporary hospitals for infectious diseases. 473 (ex. sess.), 18 D 03
- g Va. Local authorities not to maintain pesthouses within 50 yards or to establish same within 150 yards of public road, park or cemetery. 179, 14 Mr 04



**Protective inoculation****Antitoxin**

- a** N. J. \$4000 annual appropriation for free distribution of diphtheria antitoxin by State Board of Health. 232, 5 Ap 04

**Special diseases****Tuberculosis**

- a** Ga. Governor to appoint commission consisting of 1 physician from each congressional district, and 10 from state at large; to investigate prevalence of tuberculosis and means of prevention; report to Legislature of 1905. p.760, 12 Ag 04
- b** Ia. Board of Control of State Institutions to investigate extent of tuberculosis and means of prevention; distribution of circulars of information; \$1000 for experimentation. 162, 12 Ap 04
- c** Md. Protecting public from negligence of persons affected with certain communicable diseases, particularly tuberculosis of lungs or larynx; complaints; procedure; duties of physician and of local boards; State Board of Health to issue circulars of information; \$5000 annual appropriation. 399, 8 Ap 04
- d** Md. State Board of Health to keep register of persons affected with tuberculosis; all institutions receiving state aid to report to board; cases to be reported by physicians; disinfection of apartments. Adding §34G-K to C. art.43. 412, 8 Ap 04
- e** Md. Appointing Tuberculosis Commission of 5 members; to investigate causes of disease and to present detailed plan for establishment of sanatorium; report to Legislature by January 1906; \$2000. 476, 12 Ap 04
- f** N. J. \$200,000 additional appropriation for State Sanatorium of Tuberculous Diseases. Supplementing '02 ch.126. 129, 28 Mr 04
- g** O. Designating commission of 5 members to purchase lands and erect state sanatorium for tuberculosis; provision for appointment of managing board; \$35,000. p.559, 4 My 04
- h** R. I. \$21,000 additional appropriation to complete State Sanatorium for Consumptives. Supplementing '03 ch.1096.

r.14, 12 Ap 04

**Yellow fever**

- a** La. Governor may provide necessary funds for quarantine purposes on outbreak of yellow fever. 10, 21 D 03
- b** La. Governor may set aside from maritime quarantine fees contingent fund for quarantine against yellow fever. 66, 1 Jl 04

**Disposition of the dead****Practice of embalming and undertaking**

- a** Ala. Misdemeanor to practise embalming without license from State Board of Embalmers; fines to be paid into public school fund. p.388, 6 O 03



## Disposition of dead

1051-56

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- b Ky.** Regulating practice of embalming: creating State Board of Embalming; to license to practise on examination; 3 years practice or instruction in embalming required for entrance to examination; fees; penalties. 89, 22 Mr 04
- c Md.** Amending '02 ch.160 §1, 8, 9 relating to State Board of Undertakers: board to consist of 8 [formerly 7] members; applicants for examination to have had 2 years previous practice; board may revoke, *cancel or suspend* license. 389, 7 Ap 04
- d Mass.** State Board of Health to consider advisability of legislation to regulate undertaking and embalming; report to Legislature by May 1904. r.27, 23 Mr 04
- e N. Y.** State Board of Embalming Examiners may revoke license on proof of fraud or violation of statute. Amending '98 ch.555 §2, 3, 7, 9 and adding §6a. 498, 29 Ap 04

1052

### Burial permits

*See also* 938, Vital statistics

- a Md.** Local boards of health or county commissioners to appoint annually for educational and charitable institutions, resident physician as subregister to issue burial permits; reports. 384, 7 Ap 04

1054

### Cemeteries

#### 1055 Public cemeteries

- a Ala.** Providing for appointment of commission by county judge of probate to mark bounds of rural burial places or to enlarge same; procedure. p.275, 26 S 03
- b Ia.** Township trustees may levy tax for support of public cemeteries not owned by township; limits. Amending C. §586. 23, 12 Ap 04
- c O.** Municipality or township may transfer cemetery to cemetery association; latter to assume all legal debts. Adding §2545a to R. S. p.165, 22 Ap 04
- d O.** Providing for election of trustees on union of city and township for maintenance of cemetery. Amending R. S. §1536 subdiv.493. p.387, 25 Ap 04
- e O.** Mayor of village owning public cemetery *may appoint* board of cemetery trustees [formerly elected]; term, powers and duties. Reenacting and amending R. S. §2518. p.538, 3 My 04

#### 1056 Cemetery associations

- a N. J.** Corporations wishing to locate or enlarge cemetery may apply to chosen freeholders on refusal of municipal boards. Amending '85 ch.129 §6. 249, 11 Ap 04
- b O.** Amending R. S. §3573 as to appropriation of lands by cemetery associations, when cemetery adjoins municipal corporation. p.391, 25 Ap 04



## ADMINISTRATIVE LAW PUBLIC HEALTH

- c** **O.** Cemetery associations may acquire property by gift or devise for cemetery purposes to be exempt from execution and taxation. Amending R. S. §3571. p.442, 26 Ap 04

- d** **Va.** Cemetery associations may hold property, aggregate not exceeding \$10,000, for maintenance and improvement of cemetery lots; validating disposition of property in perpetuity. 15, 10 F 04

**1059 Cemetery trust funds**

- a** **Ia.** County auditor to act as trustee in certain cases of funds donated to improvement of cemeteries. 12, 12 Ap 04

- b** **Mass.** Amending R. L. ch.78 §19-20 relating to deposits for care of cemetery lots; amounts not exceeding \$200 to be deposited with state treasurer and receiver general; payment of accrued interest.

422, 4 Je 04

- c** **N. Y.** Family cemetery corporations may receive and hold trust funds for maintenance and improvement. Amending membership corporations law '95 ch.559 §57. 429, 27 Ap 04

**1064 Transportation of dead bodies**

- a** **Va.** Revision of '00 ch.393 relating to transportation of bodies dying of infectious diseases. 607 (ex. sess.), 18 Ja 04

**1065 Nuisances (general). Miscellaneous health regulations***See also 1191, Drains; 2660, Sewerage*

- a** **O.** Amending R. S. §6919 as to institution of proceedings in contempt against defendant neglecting or refusing to abate nuisance.

p.310, 23 Ap 04

- b** **Va.** Repealing '88 ch.489 subdiv.5-6 relating to application of fines and duty of commonwealth's attorney in abatement of nuisances.

511 (ex. sess.), 30 D 03

**1071 Drainage***See also 1191, Drains; 2660, Sewerage*

- a** **N. J.** Local boards of health to abate nuisances causing disease, *including water in which mosquito larvae breed.* Amending '87 ch.68 §13. 14. 119, 28 Mr 04

**1079 Pollution of water***See also 932, General supervision; 2660, Sewerage*

- a** **N. J.** Amending '00 ch.72 relating to pollution of waters of state: repealing §42 which included within waters of state, boundary waters used for potable purposes. 213, 30 Mr 04

- b** **O.** Jurisdiction of *municipal* corporation [formerly owning waterworks] to prevent pollution of water supply extended to 20 [formerly 10] miles beyond corporation limits. Amending R. S. §1536 subdiv.544. p.135, 21 Ap 04



## **Fires. Buildings**

**1090-109**

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**1090**

### **Public safety**

Protection of human life from accidents, casualties etc. *See also* 1313, Railroads; 1368, Public street railways; 2044, General workshop regulations

**1092**

### **Fires**

*See also* 1765, Fire prevention association; 2602, Fire department

**1093**

### **Fire marshals. Inspection**

- a La.** Creating office of state fire marshal; to direct investigation of fires by local officials of fire departments; to regulate handling of combustible material; to exercise powers of committing magistrate; tax levy of 5 mills on gross annual premium receipts of fire insurance companies for enforcement of act; annual report to governor. 122, 5 J1 04
- b Mass.** Abolishing fire marshals department under Department of District Police; transferring powers, duties and officers, except deputy chief, to detective department and reorganizing latter. Repealing '02 ch.142 §2, 3, '03 ch.365 §1. 433, 8 Je 04
- c S. C.** Investigation of fires by comptroller general and local authorities; expenses to be met by tax  $\frac{1}{10}$  % on gross receipts of insurance companies. 274, 24 F 04

**1099**

### **Buildings: sanitation and safety**

*See also* 2044, General workshop regulations; 2235, Schools

- a Mass.** Governor with consent of Council to appoint 3 persons as Commission on Building Laws; to consider expediency of revision; report to Legislature of 1905. 424, 4 Je 04

**1102**

### **Exits**

**1103 Fire escapes**

- a Ia.** Revision of '02 ch.150 regulating construction of fire escapes. 136, 6 Ap 04
- b Va.** County board of supervisors to select fire escapes used in buildings over 3 stories high, outside limits of cities and towns. Amending '90 ch.199 §2. 476 (ex. sess.), 18 D 03

**1108**

### **Hotels. Lodging houses**

- a Mass.** Extending provisions of '94 ch.414 regulating public lodging houses in Boston to include same in cities of 50,000. 242, 20 Ap 04

**1109**

### **Public halls**

- a Mass.** Governor may appoint 2 additional members to Department of District Police, to serve as additional inspectors of factories and public buildings; preference of veterans may be withdrawn. 430, 4 Je 04
- b Mass.** Regulating licensing and inspection of theaters and public halls of 400 capacity: *chief of district police* [formerly city or town authorities] to issue license; responsibility of licensees; in-



spection schedule; monthly inspection; revocation of license; appeal; Courts of Equity jurisdiction to enforce law; penalties. Repealing R. L. 102 §172. 450, 9 Je 04

- c O. Regulating public halls and theaters of 750 capacity so as to insure protection against fires: to be provided with diagrams of aisles and exits, illuminated exits, asbestos curtain, and proscenium wall; annual inspection and issue of certificates by city authorities.

p.264, 23 Ap 04

- d Va. Owners or lessees of public halls, theaters and opera houses to provide approved and sufficient exits; semiannual inspection; penalties. 23, 19 F 04

#### 1110 Tenement houses

- a N. J. General law regulating condition of tenement houses. 53p. 61, 25 Mr 04
- b N. Y. Amending tenement house law '01 ch.334 §11 requiring houses above 6 stories to be fireproof tenements. 346, 16 Ap 04
- c N. Y. Amending '01 ch.334 §30 as to fire escapes in tenement houses erected prior to May 1, 1902. 739, 14 My 04

#### 1112 Floods. Life saving See also 1197, Levees and dikes

#### 1113 Floods

- a Ia. Cities may protect property from floods by changing water courses, constructing levees, etc.; special assessments; bond issue. 33, 31 Mr 04
- b N. J. Regulating flow of torrential rivers: provision for creating a river flood district commission on establishing of each river flood district; to plan and construct dams, sluices, canals etc. for arresting overflow of flood waters; condemnation proceedings; maintenance of works; annual report to secretary of state. 4(ex. sess.), 19 Ap 04
- c N. Y. Village trustees may borrow money to protect property from floods. Amending village law '97 ch.414 §88 subdiv.15, §128 subdiv.11. 193, 4 Ap 04

#### 1116 Explosives

See also 1493, Petroleum products

#### 1117 Manufacture. Storage. Transportation

- a Mass. Fire marshal's department under Department of District Police [formerly city or town authorities] to regulate use, manufacture and sale of explosives and inflammable liquids, also construction of storage buildings; penalties. Amending R. L. ch.102 §87-121. 370, 23 My 04
- b O. Regulating manufacture, handling and storage of high explosives: chief inspector of workshops and factories on examina-



## Diseases of animals

- 1117-63** N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904
- tion by inspector of high explosives to approve plans and location of factories and magazines; manufacturers and dealers to file statement with chief inspector; penalties. p.302, 23 Ap 04
- 1120** **Dynamite etc.**
- a** **O.** Misdemeanor to leave unguarded receptacle containing nitroglycerin; exceptions; inspector of high explosives to prosecute. p.288, 23 Ap 04
- 1124** **Miscellaneous**
- 1128** **Boilers and engineers**
- 1130** **Licenses**
- a** **O.** Amending R. S. §4364 subdiv.89q-t relative to licensing stationary engineers: standard of examination to be uniform through state; renewal fee \$2 [formerly \$1]; appeal on refusal to grant renewal. p.28, 4 Mr 04
- 1131** **Electric apparatus**
- a** **S. C.** No electric wire within 50 feet of highway to be without certain safety devices. Amending C. C. §2211. 278, 25 F 04
- 1137** **Samples**
- a** **Va.** Misdemeanor to leave sample medicines on premises or give to child under 12. 560 (ex. sess.), 12 Ja 04
- 1141** **Uncovered openings**
- a** **S. C.** Owner or tenant not to leave abandoned well open; penalty. 199, 11 F 04
- 1143** **Communicable diseases of animals**
- 1144** **General. Inspection and supervision**
- a** **Ia.** \$5000 [formerly \$3000] annual appropriation to carry on work of state veterinary surgeon in suppressing infectious diseases in domestic animals. Amending C. §2536. 89, 12 Ap 04
- b** **N. Y.** State commissioner of agriculture may appoint 1 state appraiser [formerly 3] of condemned animals at \$1500 salary [formerly \$5 a day] and additional appraisers as needed at \$5 a day. Amending agricultural law '93 ch.338 §67. 253, 8 Ap 04
- 1150** **Disposal of carcasses**
- a** **R. I.** Supplementing G. L. ch.91 relative to disposal of carcasses of dead animals. 1162, 13 Ap 04
- b** **Va.** *Animals* [formerly hogs] or fowls dying of infectious diseases to be cremated or buried; fines. Amending C. §2197. 252, 15 Mr 04
- 1151** **Special diseases**
- 1163** **Rabies**
- a** **O.** Persons injured by mad dog to be reimbursed by county to sum of \$500. p.68, 4 Ap 04



## ADMINISTRATIVE LAW CONTROL OF WATERS

## 1167 Tuberculosis

- a R. I. Amending G. L. ch.99 §10-13, 19 as to slaughter and appraisal of animals with tuberculosis; duties of county board of appraisers, and cattle commissioners. 1156, 8 Ap 04

## 1169 Special animals

## 1171 Bees

- a O. Providing for appointment of county inspectors of apiaries on petition of owners; to eradicate disease of foul brood; compensation, powers and duties. p.127, 21 Ap 04

## 1175 Horses

- a Md. Extending term of commission, appointed in 1902 to investigate cerebro-spinal meningitis in horses, to January 1906 [formerly 1904]. 293, 7 Ap 04

## 1180

## Control of waters

## 1182

## Irrigation. Water rights, power, storage

## 1190

## Water rights, power and storage generally

- a Ala. Amending C. §1727-28 as to erection of dams for generating electricity; procedure. p.163, 5 Mr 03; p.391, 6 O 03
- b Ala. Corporations for sale of power produced by water to have general right of condemnation. p.365, 1 O 03
- c Id. Regulating appropriation and diversion of waters. p.223, 11 Mr 03. *Unconstitutional* as to §34, 35, 36 relating to actions to settle water rights. Deprives of property without due process of law. *Bear Lake County v. Budge*, 75 P. 614 (1904).
- d N. J. Regulating flow of torrential rivers: provision for creating a river flood district commission on establishing of each river flood district; to plan and construct dams, sluices, canals etc. for arresting overflow of flood waters; condemnation proceedings; maintenance of works; annual report to secretary of state. 4 (ex. sess.), 19 Ap 04
- e N. Y. Creating River Improvement Commission of 5 members; to regulate flow of water courses in aid of public health and safety; proceedings; contents of annual report to Legislature specified. 12p. 734, 14 My 04
- f Or. Amending Ann. C. & S. §5030 relating to action for appropriation of water below contiguous owner's point of diversion: such owner not to be deprived of water for *domestic, stock and irrigation purposes*. p.25, 23 D 03

## 1191

## Drains. Dikes. Levees

*See also* 1071, Nuisances; 1182, Irrigation; 2660, Sewerage; 2730, Roads

## 1192 General. County and township ditches. Drainage districts

- a Ill. General agricultural and sanitary drainage act. p.78, 27 Je 85. *Unconstitutional* as to §37 relative to payment for right of



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way and damages. Deprives of property without due process of law. *Juvinall v. Jamesburg Drainage Dist.* 68 N. E. 440 (1903).

- b Ia. Referring to Legislature of 1906 amendment to Const. 1857 art.1 by adding §18: Legislature may regulate construction of drains etc. across private lands, provide for organization of drainage districts, and maintenance of drains, and define procedure.  
p.210, 9 Ap 04
- c Ia. Secretary of state to have printed 5000 copies of drainage laws.  
p.219, 11 Ap 04
- d Ia. Pumping stations may be established in drainage districts; costs to be levied on lands in districts.  
69, 13 Ap 04
- e Ia. Revision of law relating to drainage. 18p.  
67, 29 Ap 04; 68, 29 Ap 04
- f Ia. Defining rights of landowners or proprietors relative to drainage of surface waters.  
70, 29 Ap 04
- g Ia. Providing for assessment for drainage purposes. C. §1940. *Unconstitutional* in so far as applied to nonabutting owners without notice. Deprives of property without process of law. *Beebe v. Magoun*, 97 N. W. 986 (1904).
- h Ia. General drainage law. C. §1939-51. *Unconstitutional* in so far as it provides for assessment of nonabutting owners without notice. Deprives of property without due process of law. *Beebe v. Magoun*, 97 N. W. 986. Invalidity of §1946 invalidates whole drainage law, 1939-51. *Smith v. Peterson*, 99 N. W. 552 (1904).
- i La. Control of public drainage channels to be given to the several boards of levees and drainage districts; procedure; penalties for obstruction of drainage channels.  
61, 29 Je 04
- j Md. Amending C. art.25 §55, 63 relating to drainage of lands: obstruction of ditches; taxes levied for ditches to be lien on real estate; collection of levies; powers and duties of treasurer of ditch company. Adding §44A, 75A-C.  
391, 8 Ap 04
- k N. J. Town or township authorities may clear and straighten creeks for drainage purposes; condemnation proceedings. Amending '03 ch.261 §1, 2.  
113, 28 Mr 04
- m N. Y. Amending drainage law R. S. pt3 ch.8 t.16 §8: court wherein proceedings are pending to apportion costs, when lands to be drained are located in 1 or more towns; procedure.  
75, 18 Mr 04
- n N. Y. Amending drainage law R. S. pt3 ch.8 t.16 prescribing powers of town fence viewers relative to opening of ditches; procedure. Adding §37.  
433, 27 Ap 04
- p O. Amending R. S. §4510 subdiv.19 as to procedure in improvement of sink holes and fissures by county or township authorities.  
p.137, 21 Ap 04



- q O. Amending R. S. §4451a as to procedure in application for county ditch: compensation for serving notice on landowners.

p.260, 23 Ap 04

- r O. Amending R. S. §4510 subdiv.11 relating to repairing of joint county ditches.

p.289, 23 Ap 04

- s O. Amending R. S. §4475 as to manner of selling construction or improvement of county ditch.

p.311, 23 Ap 04

## 1196 Cleaning. Repair. Obstruction

- a O. Amending R. S. §4584 subdiv.3 relative to procedure in clearing out of ditch, when applicant is resident owner.

. p.262, 23 Ap 04

## 1197 Levees. Dikes

- a Miss. Board of Mississippi Levee Commissioners may issue 5%, 40 year bonds payable semiannually, for levee purposes to amount of \$1,000,000; regulations.

91, 25 F 04

- b Miss. Amending '65 ch.1 §17, '84 ch.169 §3 regulating exercise of right of domain by Board of Mississippi Levee Commissioners.

92, 26 F 04

- c Miss. Exempting from taxation for levee purposes, property in Yazoo Mississippi delta levee district between levees and Mississippi river.

96, 1 Mr 04

- d Miss. Relative to Board of Mississippi Levee Commissioners: abolishing office of cotton tax collector; collection of cotton tax; use of levee lands; penalties.

90, 11 Mr 04

- e Miss. Board of Yazoo Mississippi Delta Levee Commissioners may issue \$500,000 of 4½% bonds payable semiannually, for levee purposes; regulations.

95, 16 Mr 04

- f N. J. Amending G. S. '95 p.2024 ¶16 relative to proceedings against owner of marsh and meadow lands for neglect to keep tide embankments in repair.

9, 1 Mr 04

## 1200 Transportation and communication

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### 1201 General

### 1203 Rates. Discrimination

### 1212 Rates (general)

- a La. Conferring on Railroad Commission, according to Const. 1898, art.288, added powers to regulate joint through rates for freight, express matter and telegraph and telephone communications transported or transmitted over 2 lines of railroads or other common carriers.

24, 17 Je 04



1226

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1227

**Rates. Tickets**

1232 **Mileage books**

- a S. C. Mileage tickets to be good for members of purchaser's family. 250, 25 F 04

1235 **Ticket scalping**

- a Ga. Prohibiting traffic in nontransferable signature tickets issued by common carriers; latter to redeem unused or partly used tickets; procedure; penalties. p.102, 12 Ag 04

1237

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- a Ga. Judges of Supreme or Superior Courts not to receive free passes from railroad corporations or other favors from quasi public corporations; impeachment. p.72, 15 Ag 04
- b Mo. Amending Const. 1875 art.12 §24: antipass provisions omitted; transportation companies to give passes to designated state officials and judges, sheriffs and superintendents of state institutions; penalties. *Rejected November 1904.* p.283, '03

1238

**Race distinction**

*See also 122, Civil rights*

- a Md. Railroad companies to provide separate cars for white and colored races; exceptions; penalties; regulations. 109, 17 Mr 04
- b Md. Steamboats to provide separate quarters for white and colored races; exceptions; penalties; regulations. 110, 17 Mr 04
- c Miss. Street railways to provide equal but separate accommodations for races; regulations; penalties. 99, 1 Mr 04
- d S. C. *Steam ferries* and railroads to furnish separate accommodations for white and colored passengers. Amending C. C. §2158. 249, 25 F 04
- e Va. Railroad corporations operating sleeping, dining, palace, parlor, chair or compartment cars may refuse admittance to any person at their discretion. 85, 9 Mr 04
- f Va. Misdemeanor for owners of steamboat wharves not to provide separate accommodations for white and colored persons; provisos. 257, 15 Mr 04

1240

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- a N. J. Revision of law concerning carriers. 176, 29 Mr 04; 177, 29 Mr 04

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- a O. Common carrier companies operating steam railroads may exercise all powers of railroad company including right of appropriation. Amending R. S. §3838. p.161, 22 Ap 04



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- a    S. C. Maximum free baggage to be 200 pounds.    196, 11 F 04
- b    S. C. Baby carriages must be carried as baggage, uncrated.  
Amending C. C. §2167.    230, 20 F 04

1247

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- a    Ia. Joint common carriers to be jointly liable for loss or damage to freight, whether or not initial carrier exempts itself from liability for injury beyond its own line; any defendant may prove that loss did not occur on its line.    74, 9 Ap 04
- b    Miss. Common carriers to settle claims for lost or damaged freight not exceeding \$50 within 90 days; damages; procedure.    104, 10 Mr 04
- c    Va. Repealing C. §1295-97 which relate to liability of common carriers for loss or injury to goods.    250, 15 Mr 04

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- a    S. C. Railroads to transport freight within times specified.    379, 25 Mr 04

1253

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- a    Ia. Common carriers on demand to issue transportation to live stock shippers from place of shipment of cattle to destination; penalties.    76, 9 Ap 04

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Chiefly steam roads but many of the general laws and special provisions include all kinds of railways

- a    Va. Terms "railroad," and "railway" to be construed alike.    48, 2 Mr 04
- b    Va. Amending '03 ch.270 pt2 §2-3, pt5 §40, 63 (ex. sess.) as to extension of railroad into District of Columbia and as to railroad companies incorporated *under laws of United States*.    50, 4 Mr 04

1268

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- a    Mass. Railroad corporations may acquire property of foreign railroad or steamship corporations and operate same; regulations. Amending R. L. ch.111 §284.    169, 22 Mr 04



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- a** N. Y. On consolidation of domestic and foreign railroad corporation, office of new corporation may be located in either state. Amending railroad law '90 ch.565 §71 subdiv.1. 228, 4 Ap 04

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- a** Ky. Amending corporation law '93 ch.15 §190 as to conversion of stock of railroad into common and preferred shares; regulations. 105, 25 Mr 04
- b** S. C. Miscellaneous amendments to C. C. §2037 relating to railroad mortgages. 228, 19 F 04

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- a** La. Submitting amendment to Const. 1898 art.230: railroads constructed and completed *between Jan. 1, 1905 and Jan. 1, 1909* [formerly prior to 1904] to be exempt from taxation for 10 years. Adopted November 1904. 16, 17 Je 04

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- a** Ala. Revision of C. ch.96 relating to Railroad Commission of Alabama: commissioners to be *elected by people* [formerly appointed by governor with consent of Senate]; joint rates; interchange of traffic; prosecution; appeal. 13p. p.95, 28 F 03; p.354, 1 O 03
- b** Mass. Amending R. L. ch.III §10 relating to assessment of salaries and expenses of State Board of Railroad Commissioners among railroad and street railway corporations. 429, 4 Je 04

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- a** Ala. Railroad corporations may relocate lines to straighten or improve same; proviso. p.131, 28 F 03

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*See also* 382, Eminent domain (general)

- a** N. Y. State commissioner of land office may grant prison lands to railroad corporations on approval of superintendent of state prisons. Amending railroad law '90 ch.565 §8. 313, 13 Ap 04
- b** Va. Amending '03 ch.270 pt2 §2 subdiv.f (ex. sess.) relating to condemnation proceedings by railroads. 537 (ex. sess.), 31 D 03

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**Reports**

- a** N. Y. State Board of Railroad Commissioners to furnish blank forms for reports of corporations by *June 15* [formerly Sep. 30]. Amending railroad law '90 ch.565 §158. 158, 28 Mr 04



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- b Va.** Repealing C. §1304-5, 1309 which required railroad companies to report to state railroad commissioner. 128, 12 Mr 04
- 1313 Public safety, comfort and order**
- 1314 Safety regulations**
- 1316 Brakes. Couplers**
- a O.** Amending R. S. §3365 subdiv.23 so as to require use of automatic couplers and air brakes on *standard gage* cars only *prior to March 1910*. p.615, 23 Ap 04
- 1317 Crossings**
- a O.** Court of Common Pleas given jurisdiction to fix manner of railroad crossings within limits of city or village. Adding §1a to '02 p.530. p.537, 3 My 04
- b O.** Court of Common Pleas given jurisdiction to fix mode of railroad crossings outside corporate limits of municipality. Amending '02 p.530 §1. p.548, 3 My 04
- 1319 Highway crossing**
- a Md.** Railroad corporations may provide at own cost crossings over public highways either overgrade or undergrade; procedure. Adding §204A to C. art.23. 620, 12 Ap 04
- b N. J.** Municipality may issue bonds to pay share of expense for changing grades of railroads within corporate limits; regulations. 209, 30 Mr 04
- c O.** Amending R. S. §3337 subdiv.1 relative to overhead crossings of railroads. p.301, 23 Ap 04
- d O.** Regulating construction of railroad and highway crossings; Court of Common Pleas to determine when crossings may be at grade; appeal. p.546, 3 My 04
- 1327 Miscellaneous safety regulations**
- a Ala.** Railroad employees to be examined as to color blindness and deafness by superintendent of road, *master of trains*, or *master mechanic of railroad*. Amending C. §3448-49. p.162, 5 Mr 03
- 1332 Public order. Railway police**
- a Va.** Local authorities may restrict or prohibit transportation by railroad companies of excursion parties to places without adequate police protection. 153, 14 Mr 04
- 1333 Obstruction, injury to cars, etc.**
- a Va.** *Malicious tampering with railroad machinery, switches or signals* punishable by 2 to 10 years imprisonment; where injury not malicious, imprisonment 1 to 3 years and fine \$100-\$500. Amending C. §3725, '96 ch.858. 171, 14 Mr 04
- 1334 Railway police**
- a Va.** Amending '04 ch.609 pt4 §10 (ex. sess.) relating to appointment of police agents by railroad companies. 169, 14 Mr 04



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- b Ala.** Corporations operating street or suburban railway joining state, also selling electricity for power or light, same on extension of lines within state; procedure. p.67,
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- a O.** Amending '02 p.510 §2 relating to consolidation of street railroad companies. p.570,

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- a Mass.** Amending '03 ch.202 defining authority of street companies to act as common carriers of baggage and f certain cases. 441

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- a La.** Municipalities of 5000 may construct, own and electric street railways. 8,

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- a O.** Street railway corporations on majority vote of may for certain purposes appropriate private property, als location of lines. p.106,

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- a Mass.** Street railways to print on transfer tickets re, as to use; penalties for misuse. 267,

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- a Mass.** Amending R. L. ch.112 §45 relative to liability railway companies for defects in street, highway or brid pied by its tracks. 110,



- b Mass.** State Board of Railroad Commissioners to recommend establishment of waiting rooms by street railway corporations, and investigate complaints against same. Amending R. L. ch.111 §15-16. 357, 20 My 04

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- a Mass.** Explosives not to be put on street railway tracks or cars. Amending R. L. ch.208 §86. 396, 2 Je 04
- b C.** Conductors of interurban railroads vested with police powers. Amending R. S. §3433-36. p.84, 15 Ap 04
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- b N. Y.** Term of consulting engineers, appointed as advisory board to State Canal Board, to continue during construction of works; vacancies to be filled by governor with consent of Senate. 200, 4 Ap 04
- c N. Y.** Creating board of examiners and appraisers to act under direction of State Canal Board; to appraise lands, structures, and waters appropriated for use of improved canals. 335, 14 Ap 04
- d O.** Members of Board of Public Works to serve as superintendents of the several state canals; salary as superintendent, \$1500; to maintain canals and public works; also to appoint necessary superintendents of repairs [formerly 11], lock tenders and employees [formerly aggregate salaries limited to \$12,500]. Amending R. S. §218 subdiv. 4. p.103, 19 Ap 04
- e O.** Supplementing '88 p.127 providing for appointment of Canal Survey Commission: to consist of 2 [formerly 3] commissioners; salary \$1500 [formerly \$1200]; to complete work begun by original commission. p.184, 22 Ap 04
- f O.** Receipts from sales of lands held by state for canal purposes to be credited to canal fund. Amending R. S. §218 subdiv.5. p.534, 3 My 04
- g Or.** Creating Board of Commissioners of Canals and Locks: to acquire right of way for canal and improvement of channel of Columbia river between The Dalles rapids and Celilo falls, and releases from damages to United States; expenditure limited to \$100,000; final report to be filed with secretary of state. p.11, 24 D 03



## **Ferries. Bridges**

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- a** S. C. Misdemeanor for public ferry keeper to delay passenger 1 hour; steam and free ferries excepted. 256, :

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- a** Ill. General ferry regulations. R. S. '01 ch.55. *Unconst* in so far as §1, penalizing unlicensed ferries, is applied to transportation of railroad cars between states. Interferes with state commerce. *St Clair County v. Interstate S. & C. Co.* U. S. 454 (1904).

**1391**

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- a** Miss. Board of supervisors may establish and maintain over water courses where public or private roads are on side. Amending Ann. C. '92 §3942. 163, 11

**1393**

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**1396**

### **Bridges on boundaries**

- a** N. J. Governor to appoint 3 commissioners to confer with similar commission from Pennsylvania as to advisability of establishing free bridges across Delaware river at designated points. Report to Legislature of 1905. p.507, 28

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- a** Ala. Misdemeanor to float logs etc. under county bridge without giving \$500 bond to county. p.536, 11

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- a** Ga. County commissioners of roads and revenues or their successors may erect bridges across navigable streams; regulations. p.100, 11
- b** Ia. County may levy annual 4 [formerly 3] mill tax for bridge purposes. Amending C. §1303. 42, 11
- c** Ia. Cities of 50,000 may levy tax of 2 mills for construction of viaduct. Amending C. §771. 29, 11
- d** N. J. County board of chosen freeholders may construct and maintain viaduct between municipalities and extend roads to connect with same; condemnation proceedings; annual tax limit 1 mill; bond issue. 101, 28
- e** N. J. Chosen freeholders in counties of 50,000 to 150,000 may issue additional bonds to \$100,000 for bridge purposes; regulations. Supplementing '95 ch.209. 200, 29
- f** O. Special tax levy for construction of county bridge not exceeding \$15,000 in cost to be submitted to popular vote; Amending R. S. §2825. p.455, 26 Ap 04; p.491, 28



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- a** O. County commissioners may remove and rebuild bridges condemned by United States War Department as obstructing navigation; bond issue limited to \$200,000. p.53, 26 Mr 04

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*See also* 320, Crimes against property; 500, Corporations; 840, 845, Taxation; 2040, Labor

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- a** Va. Repealing C. §1287-94 which relate to regulation of telephone and telegraph companies. 251, 15 Mr 04

**1414 Supervision**

- a** S. C. Railroad Commission to have jurisdiction over telephones. 281, 25 F 04

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- a** Ky. Telephone companies may acquire right of way by condemnation proceedings. 71, 21 Mr 04

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- a** Va. Repealing '00 ch.202 as to provision requiring register of land office to serve as superintendent of weights and measures. 454, 14 D 03

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- a** La. Amending '88 ch.147 §3, 58 relative to gaging boats and barges containing *anthracite or bituminous* coal or coke. Amending '88 ch.147 §3, 5, 8. 80, 1 Jl 04

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- a** La. Standard shrimp basket to hold 70 pounds. 85, 4 Jl 04

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- a** Ala. Amending C. §11 requiring use of "standard railroad central time" in legal computation. p.395, 6 O 03

**1464 Adulterations and imitations. Branding. Inspection**

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**1466 Adulteration. Inspection****1472 Commercial feed for stock**

- a** La. State Board of Agriculture and Immigration to regulate sale of commercial feeding stuffs; manufacturers to forward statement of ingredients and submit sample to commissioner; latter to



issue inspection certificate and tags; label to show percentage of ingredients; official chemist of board to make analyses.

153, 5 Jl 04

- b** Mass. \$3000 *annual* appropriation to regulate sale of concentrated commercial feed stuffs. Amending '03 ch.122 §10.

332, 13 My 04

- c** N. Y. Amending agricultural law '93 ch.338, '99 ch.510 §120-24, 126 relative to sale and analysis of concentrated commercial feeding stuffs; repealing §125, 127 relating to violation of act and penalties.

558, 3 My 04

- d** O. Regulating manufacture and sale of commercial feed stuffs: bags to be labeled and percentages of fiber, fat and protein given; manufacturers to forward statement of ingredients and sample to secretary of State Board of Agriculture; annual license fees; annual analysis of each brand; penalties.

p.395, 25 Ap 04

**1474 Fertilizers**

- a** Ala. Amending C. §382-84, 398 regulating sale of fertilizers.

p.65, 26 F 03

- b** Ala. Revising C. ch.5 art.2 regulating sale of commercial fertilizers. 8p.

p.78, 3 Mr 03

- c** Ky. Amending '98 ch.18 §2 regulating sale of fertilizers: label to give date of analysis and estimated value.

84, 22 Mr 04

- d** Miss. Regulating manufacture and sale of commercial fertilizers: brand to show grade of fertilizer and percentage of ingredients; cotton seed products excepted.

111, 22 Mr 04

- e** N. Y. Regulating sale and analysis of commercial fertilizers selling above \$5 a ton: package label to give weight, address of manufacturer, and chemical analysis; state commissioner of agriculture to issue licenses; annual fees; enforcement of law. Adding art.12 to agricultural law '93 ch.338.

567, 3 My 04

- f** S. C. Amending C. C. ch.34 relating to commercial fertilizers, to include cotton seed meal.

275, 27 F 04

**1484 Lime. Cement and other construction materials**

- a** Ala. Designating testing laboratory of University of Alabama as State Testing Laboratory for cements and other materials of construction.

p.248, 23 S 03; p.389, 6 O 03

**1492 Paris green**

- a** La. Revision of law regulating sale and purity of paris green.

174, 6 Jl 04

**1493 Petroleum products**

- a** Ia. Revision of C. t.12 ch.11 relating to inspection of petroleum products: governor to designate 1 of 14 inspectors as chief inspector to have supervision; to recommend changes to State Board of Health; inspectors may appoint assistants on approval of Executive Council.

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## 1496 Seeds

- a Ky. Misdemeanor to sell certain adulterated, mixed or misbranded grass and clover seeds. 82, 22 Mr 04
- b N. Y. Regulating sale of imported ginseng: label to show foreign country where roots or seeds were grown. Adding §44 to '96 ch.376. 286, 13 Ap 04

1500

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- a Ill. Providing for registration of trade-marks; possession of receptacles bearing such marks prima facie evidence of unlawful possession. p.316, 11 My 01. *Unconstitutional*. Special and class legislation. Horwich v. Walker-Gordon Laboratory Co., 68 N. E. 938 (1903).

1501

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- a N. Y. Person repacking fruit or farm produce in barrels etc. to erase name of grower or producer; penalty. Adding §45 to domestic commerce law '96 ch.376. 309, 13 Ap 04
- b N. Y. Misdemeanor to use without owner's consent registered trade-mark of pastry makers and dealers. Amending Pen. C. §367, 369-71. 494, 29 Ap 04
- c N. Y. Misdemeanor to use unlawfully registered articles of manufacturers and dealers in ice cream, confectionery etc.; regulations. 548, 3 My 04

## 1502 Milk cans

- a La. Protecting dealers in bottled milk from unauthorized use of registered bottles. Amending '96 ch.120 §1-2. 74, 1 Jl 04
- b N. Y. Amending agricultural law '93 ch.338 §24, 32 relating to illegal use of milk cans, *jars and bottles*. 168, 28 Mr 04

1503

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- a N. Y. *Misdemeanor* to use illegally labels of labor organizations. Amending labor law '97 ch.415 §16. 523, 29 Ap 04

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- a Ky. Extending provisions of '93 ch.256 to storage of cotton seed oil in warehouses and issuance of receipts therefor. 57, 21 Mr 04

## 1513 Warehouse receipts

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- a Md. Chief inspector of tobacco may appoint assistant clerk at \$800; also assign employees to different lines of work connected with warehouses on request or consent of deputy inspector. Amending C. art.48 §11. 336, 7 Ap 04

#### 1530 Regulation and licensing of trades and occupations

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- a N. J. Clerk of court, council or board authorized to transfer license, shall record power of attorney to transfer same; fee. 210, 30 Mr 04

##### 1536 Accountants

- a N. J. Regulating practice of accounting: creating State Board of Accountants; board on examination to recommend to governor for certificate; exemptions; fees; penalties; annual report to governor. 230, 5 Ap 04

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- a La. Tax on public auction sales to be paid to Charity Hospital of New Orleans. Amending R. S. §145. 46, 28 Je 04
- b La. Regulating auction sales of horses etc., vehicles and harness. Amending R. S. §170, '82 ch.116. 106, 4 Jl 04

##### 1540 Barbers

- a Md. Regulating practice of barbering: creating Board of Barber Examiners and providing for appointment of subboards; to issue certificates on examination; fees; to inspect sanitary condition of shops; annual report to state comptroller. 226, 1 Ap 04

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##### 1556 Engineers

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##### 1560 Hawkers and peddlers

- a Id. Regulating licenses for peddlers, hawkers and solicitors. p.155, 16 Mr 01. *Unconstitutional* in so far as §8 excepts runners for wholesale houses taking orders from merchants only. Class legislation. In re Abel, 77 P. 621 (1904).
- b Ia. Peddlers to pay annual county tax of \$5-\$100 [formerly \$1-\$50]. Amending C. §1347a. 48, 9 Ap 04
- c La. Amending '98 ch.171 §12, '00 ch.103 as to annual license tax of peddlers and hawkers. 49, 28 Je 04
- d N. J. Veterans showing certificate of honorable discharge to be licensed to peddle without cost; regulation. 141, 28 Mr 04



## ADMINISTRATIVE LAW COMMERCE AND INDUSTRY

- e** N. Y. Veterans *having served beyond sea* may obtain license to peddle and auction goods on presenting certificate of discharge to county clerk. Amending '96 ch.371 §1, 2, '99 ch.659. 556, 3 My 04

- f** Wis. Prescribing licenses for peddlers; exempting certain classes. S. ch.98 §1570 as amended by 341, 8 My 01. *Unconstitutional*. Denies equal protection of law. Unequal system of taxation. *State v. Whitcom*, 99 N. W. 468 (1904).

1568

**Junk and secondhand dealers**

- a** N. J. Regulating business of pawnbrokers and dealers in second hand goods: book of loans and purchases to be kept on order from police department; penalties. 52, 22 Mr 04

- b** Va. Amending '03 ch.148 §69 (ex. sess.) relative to licensing junk dealers. 480 (ex. sess.), 18 D 03

1570

**Law**

See 591

1572

**Medicine**

See 944

1575

**Nurses**

- a** Md. Regulating practice of nursing: creating Board of Examiners of Nurses; applicants for examination to have had equivalent of high school course, and diploma from training school requiring 3 years course; exceptions; registration fee; penalties.

172, 25 Mr 04; 241, 12 Ap 04

1576

**Pawnbroking**

See 1727

1578

**Pharmacy**

See 949

1580

**Plumbers**

- a** Minn. Requiring plumbers in cities of 10,000 to be licensed by state board. 319, 23 Ap 97 as amended by 356, 13 Ap 01. *Unconstitutional*. Special legislation: exempts master plumbers and cities of 10,000 having sewerage system or water works. *State v. Justus*, 97 N. W. 124 (1903).

1586 **Transient merchants. Sale of bankrupt stocks. Itinerant vendors**

- a** N. C. Imposing license tax on itinerant vendor of stoves within state. 247 §36, 9 Mr 03. *Unconstitutional* as applied to sales by sample of goods manufactured without state, shipped into state and delivered in original packages. Restriction on interstate commerce. *Wrought Iron Range Co. v. Campen*, 47 S. E. 658 (1904).

1588

**Veterinary practice**

- a** Ia. Registered veterinary practitioners to pay annual renewal fees to State Board of Veterinary Medical Examiners. Amending C. §2538j, 2538p. 91, 4 Ap 04



## Trade regulations

1588-1628

### N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- b Ia. Veterinarians practising without state may be admitted to practice without examination in certain cases on payment of registration fee; reciprocal proviso. Amending C. §2538i. 90, 12 Ap 04

1590

## Miscellaneous trade regulations

1592

### Advertisements

- a Ia. Misdemeanor to advertise sale of liquors or tobacco within 400 feet of public school buildings. 137, 12 Ap 04
- b N. Y. Misdemeanor to publish false or misleading statements relative to merchandise offered for sale. Adding subdiv.8 to Pen. C. §364. 423, 27 Ap 04
- c Va. Misdemeanor to use name or picture for advertising purposes without person's consent. 66, 7 Mr 04

1594

### Legal holidays. Public holidays

1596 General and miscellaneous

- a La. Designating Confederate *Memorial* [formerly Decoration] day, June 3, and *general election days* as legal holidays. Amending R. S. §1114. 3, 3 Je 04

1612 Labor day

- a Miss. Designating first Monday in September as labor day, and legal holiday. 88, 4 Mr 04

1624 Saturdays

- a O. Repealing '96 p.208 §2 which limited Saturday half holiday to cities of 50,000. p.160, 22 Ap 04

1628

### Trading stamps

- a La. Trading stamp companies or dealers issuing stamps to merchants to pay annual license tax of \$5000 to \$10,000 *graded according to gross receipts* [formerly \$500 tax where receipts exceeded \$200,000]. Amending '98 ch.171 §15. 47, 28 Je 04
- b Md. Prohibiting sale or issue of trading stamps entitling holder to receive from vendor or indirectly through any other person articles of different redeemable value from value in money; redeemable value to be printed on face; penalties. Adding §263D-I to C. art.27. 233, 12 Ap 04; 577, 12 Ap 04
- c Mass. Persons selling or giving trading stamps to be exchanged for articles not distinctly bargained for, to pay excise tax of 3% of gross receipts from articles sold; semiannual report to city or town treasurer; penalties. 403, 3 Je 04
- d N. Y. Regulating issue and redemption of trading stamps and other devices; value of same in lawful money to be printed on face; redeemable in merchandise or money value on demand; regulations. Adding §384q to Pen. C. t.11. 657, 9 My 04



- e** **O.** Regulating issue and redemption of trading stamps: stamps to have redeemable value in lawful money printed on face; redemption in merchandise or money at option of holder; proviso; penalties. p.277, 23 Ap 04

- f** **Vt.** Penalizing use of trading stamps. 123, 26 N 98. *Unconstitutional*. Violates U. S. Const. 14th amendment. Abridges privileges and immunities of citizenship. Deprives of property without due process of law. *State v. Dodge*, 56 A. 983 (1904).

1630

**Encouragement of industries**

1632

**Bonus. Exemptions. Bounty***See also* 810, Exemptions from general property tax1633 **General**

- a** **Fla.** Submitting amendment to Const. 1885 art.9 §10: Legislature may authorize municipal corporations to exempt manufacturing enterprises from taxation, not exceeding 15 years. *Rejected November 1904*. p.638, '03

- b** **Miss.** Mineral, cement and lime factories and manufactories of agricultural implements to be exempt from taxation 5 years. Amending '00 ch.48 §1-6. 126, 21 Mr 04

- c** **Tenn.** Submitting amendment to Const. 1870 art.11 §18: counties or cities may exempt new manufacturers from taxation for 10 years on two thirds vote of County Court or city council respectively. *Rejected November 1904*. 532, 2 Ap 03

1635 **Beet sugar and sugar beet**

- a** **Minn.** Providing bounty 1c a pound for sugar from beets and sorghum. 205, 16 Ap 95 as amended by 307, 20 Ap 99. *Unconstitutional*. Violates Const. art.9 §5, 10: expenditure not for public purpose; lends state credit for private purposes. *Minnesota Sugar Co. v. Iverson*, 97 N. W. 454 (1903).

1643 **Cotton factories**

- a** **Ala.** Cotton mill plants or extensions to same, valued at \$50,000, built since 1902 to be exempt from taxation for 10 years.

p.565, 9 O 03

1661

**Expositions***See also* 1834, Fairs1666(5) **Jamestown Exposition**

- a** **Ga.** Commission of 5 members to be appointed to represent state at Jamestown Exposition in 1907. p.761, 13 Ag 04

- b** **Md.** Governor to appoint commission of 13 members to confer with similar commissions from Virginia relating to the Jamestown Exposition in 1907; report to Legislature of 1906. p.1272, '04

1667 **Lewis and Clark Exposition**

- a** **Mass.** Louisiana Purchase Exposition managers may transfer exhibit to Lewis and Clark Centennial Exposition to be held at Portland, 1905; \$15,000. r.96, 2 Je 04



1669 Louisiana Purchase Centennial

- a Ia. \$20,000 additional appropriation for exhibit at Louisiana Purchase Exposition. Supplementing '02 ch.195. 164, 22 Mr 04
- b Ia. \$5000 appropriation for disposition of state property used at Louisiana Purchase Exposition; Board of Control to distribute same among state institutions; report to be included in board's biennial report to governor. 165, 22 Mr 04
- c Ia. Executive Council to prepare historical exhibit for Louisiana Purchase Exposition. p.218, 8 Ap 04
- d Ky. Louisiana Purchase Exhibition Commission consisting of 15 members to be appointed by governor; to erect building and prepare exhibit; provisos; final report to governor; \$75,000. 1, 27 Ja 04
- e La. \$2500 for return of state exhibit from St Louis Exposition; governor to make disposition of same. 125, 5 Jl 04
- f Md. \$40,000 additional appropriation for Louisiana Purchase Exposition. 50, 9 Mr 04
- g N. J. \$25,000 appropriation to represent state at Louisiana Purchase Exposition. 174, 24 Mr 04
- h N. Y. \$40,000 additional appropriation for representation of state at Louisiana Purchase Exposition. Supplementing '02 ch.421. 640, 9 My 04
- i O. \$12,500 additional appropriation for building at Louisiana Purchase Exposition. p.50, 25 Mr 04
- j R. I. \$30,000 additional appropriation for Louisiana Purchase Exposition. 1145, 18 Mr 04
- k Va. \$10,000 additional appropriation for state building at Louisiana Purchase Exposition. 481 (ex. sess.), 18 D 03
- m Va. University of Virginia may send exhibit to Louisiana Purchase Exposition. 600 (ex. sess.), 12 Ja 04

1675

Resources and attractions. Immigration

*See also 2114, Emigrant agents*

- a La. Police jury on approval of state commissioner of agriculture and immigration may advertise resources of parish; state aid to parish limited to \$500 annually. 150, 5 Jl 04
- b N. J. On indorsement by governor, comptroller and state treasurer, Meeker's publication, showing state resources, to be declared public document; distribution at Louisiana Purchase Exposition. 72, 28 Mr 04
- c N. J. Council of cities under 12,000 may levy tax of 2 mills [formerly 1] for public advertising. Amending '97 ch.30, '00 ch.142. 199, 29 Mr 04
- d S. C. Creating state commissioner of agriculture, commerce and immigration; to promote industrial development of state; annual report to governor. 259, 23 F 04



1677

## Banking

*See also* 500, Corporations; 843, Taxation of banking institutions

1678

### General

Including all provisions relating to banks of deposit or relating to two or more of the following classes

1679

#### General and miscellaneous

- a Ala. General banking law. p.483, 10 O 03
- b Ga. Commission of 8 members to be appointed to consider revision of banking laws; report. p.759, 26 J1 04
- c Tex. Submitting amendment to Const. 1875 art.16 §16: Legislature may authorize incorporation of banking corporations; shareholders to be liable to amount equal to par value of shares in addition to shares; capital stock to be paid in in full; corporations may do business in only one place; foreign corporations, excepting national banks, may not do business in state. *Adopted November 1904.* p.249, 1 Ap 03
- d Va. Revision of C. ch.48 regulating banks of discount and deposit. 578 (ex. sess.), 4 Ja 04

1680

#### Inspection. Reports. Departments

- a Ia. Bank examiners [formerly limited to 4] to receive salary of \$1800 each [formerly examiner's fees paid by bank]; bank to pay examination fees to auditor of state. Amending C. §1876. 64, 13 Ap 04
- b O. Banks doing *business within state* [formerly organized under laws of state] to report *at least twice annually* [formerly on first Monday of April and October] to auditor of state. Amending R. S. §3817-18. p.266, 23 Ap 04
- c S. C. Private banks to publish quarterly reports; penalty. Amending C. C. §1766. 215, 19 F 04

1681

#### Amendment, extension of charter

- a Ala. Banks may extend their corporate existence for period of 20 years; thereafter for periods of 12 years each. p.160, 19 Mr 03

1687

#### Dissolution. Insolvency

*See also* 523, Corporations

- a N. Y. *Debts due building and loan corporations* and savings banks from insolvent banks preferred. Amending banking law '92 ch.689 §130. 693, 9 My 04
- b N. Y. Amending '02 ch.60 §4 relating to legal expenses of receivers of moneyed corporations. 705, 11 My 04

1688

#### Deposits

- a Ala. Misdemeanor to accumulate demands etc. to start run on banks. p.479, 9 O 03



## Trust companies

1688-1703

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- b La. State banks may issue interest-bearing time deposit certificates. 100, 4 Jl 04

1692

### Name. Domicile

- a N. Y. Misdemeanor for corporation by misleading title to represent itself as moneyed corporation; liability of agents. Adding to Pen. C. §608 and §593 subdiv.2. 489, 29 Ap 04

1693

### Officers

- a O. Savings and loan associations, safe deposit, trust and mutual telephone companies may choose directors not to exceed 30. Amending R. S. §3244. p.170, 22 Ap 04

1697

## Trust and safe deposit companies

1698

### General and miscellaneous

- a Ia. Trust companies to have same paid up capital as savings banks. Amending C. §1889. 65, 30 Mr 04
- b Ky. Amending '96 ch.31, '98 ch.32 as to capital of trust companies in counties of certain populations. 78, 22 Mr 04
- c Md. Stockholders of safe deposit, trust, guaranty and fidelity companies liable to par value of stock in addition to amount invested therein [formerly to double par value]; fiduciaries not personally liable. Amending C. art.23 §85L, '92 ch.109. 101, '04
- d Md. Safe deposit, trust, guaranty, loan and fidelity companies may deposit as security with state treasurer first mortgage on real estate within state; cancelation and reissue of capital stock to provide contingent fund; procedure. Amending C. art.23 §85M; adding §85N. 251, 4 Ap 04
- e Mass. Receivers to dispose of unclaimed dividends, books and paper of insolvent trust companies according to R. L. ch.113 §56. 200, 31 Mr 04
- f Mass. General law for incorporation of trust companies and regulation of reserve funds. 374, 25 My 04
- g N. Y. Amending banking law '92 ch.689 §156 defining powers of trust companies: foreign corporations forbidden to exercise certain powers. 492, 29 Ap 04

1701

### Deposits

- a Md. Safe deposit companies to refuse access to vaults by one of several joint fiduciaries or to representative of single fiduciary unless written authority filed with company and signed by proper parties. Adding §221A to C. art.23. 92, 17 Mr 04

1703

### Investments

- a N. Y. Amending banking law '92 ch.689 §159 relating to investment of capital, *surplus, undivided profits* and deposits of trust companies. 479, 28 Ap 04



1705

**Officers**

- a** N. Y. Quorum of directors of trust companies to consist of one third number, and not less than 7. Amending banking law '92 ch.689 §161. 607, 5 My 04

1707

**Savings banks**

1708

**General and miscellaneous**

- a** N. Y. Authorizing school savings banks; money to be redeposited in savings banks. Amending banking law '92 ch.689 §131. 568, 3 My 04
- b** Va. Amending C. ch.49 relating to savings banks: number of directors, not less than 5, may be fixed in articles or bylaws and increased at general meeting; stock may be increased to *maximum prescribed in articles or charter* [formerly not to exceed \$900,000]. 576 (ex. sess.), 31 D 03

1713

**Investments. Reserves**

- a** Mass. Savings banks may invest in bonds of incorporated water districts of certain states. Amending R. L. ch.113 §26 subdiv.2 ¶d. 208, 7 Ap 04
- b** Mass. Savings banks may invest in notes of citizens of state with authorized bonds of street railways as collateral. 210, 9 Ap 04

1715

**Mortgage, loan and investment companies**

- a** Ga. Regulating business of domestic and foreign investment companies: annual statement to comptroller general; deposit with state of \$25,000; reserve fund; annual license fees; provision for appointment of expert accountants; revocation of license. p.74, 13 Ag 04
- b** Ia. Providing for regulation of investment companies: certificate; state deposit of \$25,000; annual report to auditor of state; examination; penalties. 66, 29 Ap 04
- c** Mass. General act regulating bond and investment corporations: deposit; issue of certificate on examination by State Savings Bank Commission; report; suspension; bonds to be paid up after 2 years or one fourth payments made. 427, 4 Je 04

1717

**Building and loan associations**

The names of these organizations vary somewhat, but the powers and regulations do not depend on the name. The ordinary phrase is building and loan associations, but they are elsewhere called savings and loan associations, cooperative loan associations, etc., and in Massachusetts cooperative banks.

1718

**General and miscellaneous**

- a** Md. Extending provisions of C. art.23 §103 to building and homestead associations organized under special acts. Amending §103. 239, 7 Ap 04



## **Pawnbroking**

**1718-32**

### **N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904**

- b Md. Amending C. art.23 §99 as to mortgage security for *finer and assessments* and as to exemption from taxation of building and homestead associations. 240, 8 Ap 04
- c Mass. Authorizing consolidation of cooperative banks in same city or town; petition by two thirds stockholders and approval by Board of Commissioners of Savings Banks; general regulations as to assets; liabilities; shares; name. 392, 2 Je 04
- d N. J. General act for incorporation and regulation of provident loan associations. 96, 28 Mr 04
- e N. J. Amending '03 ch.218 §40, 51 relating to building and loan associations: gross premium on loans not to be regarded as profit wholly earned, *if part rebatable before maturity of shares on which loan made*; restrictions on annual expenses not to apply to associations with assets less than \$35,000 [formerly \$25,000]. 240, 5 Ap 04

**1721**

#### **Capital. Shares**

- a Cal. Regulating building and loan associations and creating State Board of Commissioners of Loan Associations to examine and inspect. 188, 23 Mr 93. *Unconstitutional* as to §19 fixing withdrawal value of shares. Subject not within title. Provident Mut. Building Loan Ass'n v. Davis, 76 P. 1034 (1904).

**1722**

#### **Dissolution. Insolvency**

- a N. J. Regulating dissolution of building and loan associations on vote of two thirds stock: procedure; appointment; powers; compensation of trustees for liquidation; notice to creditors. Supplementing '03 ch.218. 24, 7 Mr 04

**1724**

#### **Loans. Investments**

- a Mass. Cooperative banks to make no loans over \$5000 secured by mortgage on one parcel of real estate. 292, 2 My 04
- b O. Building and loan associations may invest 20% of assets in United States, state and local government bonds. Adding §3a to '91 p.469. p.43, 21 Mr 04

**1727**

## **Pawnbroking**

- a O. Regulating chattel loan companies: capital stock not to exceed \$50,000; discrimination in favor of small loans to indigent; restrictions on amount, charges and interest of loans; redemption and sale of pledges. Repealing '85 p.132, '86 p.144 relating to Cuyahoga county. p.134, 21 Ap 04

**1730**

## **Insurance**

*See also* 500, Corporations; 844, Taxation of insurance companies

**1731**

### **General (all classes)**

**1732**

#### **General**

- a Ia. Providing for examination of insurance companies: creating



## ADMINISTRATIVE LAW INSURANCE

insurance examiner, to be appointed by auditor of state; biennial inspection of companies; powers and duties. 56, 17 Mr 04

b Miss. Generally amending '02 ch.59 relating to insurance. 79, 22 Mr 04

c Miss. Amending '02 ch.59 §27, 29 as to investments and increase of capital stock of insurance companies. 80, 22 Mr 04

d O. Insurance laws not to apply to sanatoriums, medical institutes etc. Amending R. S. §289. p.287, 23 Ap 04

e S. C. No insurance company to be member of association to fix excessive rates nor to discriminate in rates on similar risks. 274, 24 F 04

### State departments

f Ky. Amending '94 ch.109 as to salaries of clerical and actuarial assistants of state insurance commissioner. 21, 8 Mr 04

g O. State superintendent of insurance to give \$100,000 [formerly \$20,000] bond. Amending R. S. §267. p.433, 26 Ap 04

### Examination. Report

h O. Superintendent of insurance to issue certificate to insurance companies complying with laws; foreign companies to file copy with county recorder and publish in county newspaper approved by superintendent; penalties. Amending R. S. §284. p.405, 25 Ap 04

i O. Forms of statements required of insurance companies to be furnished in *November* [formerly *September*]. Amending R. S. §280, 283. p.410, 25 Ap 04

j O. Amending R. S. §272, 274-76 relating to examination of insurance companies and proceedings against unsound companies. p.415, 25 Ap 04

### Agents

k Ia. Auditor of state to license insurance [formerly life insurance] agents; revocation of license; fees; penalties. 57, 9 Ap 04

l O. License not to be issued to insurance agent of another state refusing same to citizen of Ohio. Adding §283a to R. S. p.151, 22 Ap 04

### Brokers

m R. I. Honorably discharged veterans of Civil or *other wars* of United States exempt from payment of insurance brokers' fee. Amending G. L. ch.416 §4. 1164, 13 Ap 04

### Capital

n N. Y. Amending insurance law '92 ch.690 §41 relating to impairment of capital of other than life insurance corporations. 451, 28 Ap 04

### Deposit of security

o O. Security for deposit by insurance companies to be of par market value of \$1000. Amending R. S. §281. p.410, 25 Ap 04



## Life and accident

1741-54

### N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- b Va. Amending C. §1271 relating to deposits of insurance companies with state treasurer. 203, 15 Mr 04

1743

#### Dissolution. Insolvency

- a Md. Repealing C. '88 art.23 §143EI and amending §122, 128 as to powers of insurance commissioners. 338, 8 Ap 02. *Unconstitutional* as to §122b forbidding order or injunction save on complaint of commissioner. Subject not within title. *Kafla v. Wilkinson*, 57 A. 617 (1904).

1746

#### Foreign companies

- a N. J. Privileges to be denied to insurance companies of states denying same to New Jersey companies or refusing to accept statement of state insurance commissioner. Amending '02 ch.134 §66. 66, 28 Mr 04
- b O. Amending R. S. §285 as to appointment of general agents of foreign insurance companies. p.152, 22 Ap 04
- c O. Foreign insurance companies other than life to make deposit for policy holders in *United States* [formerly in state]; *computation of assets*. Amending R. S. §3660. p.154, 22 Ap 04

1747

#### Investments

- a N. J. Amending insurance law '02 ch.134 §16 regulating investments. 51, 22 Mr 04

1748

#### Liability. Actions against company

- a Va. Actions on insurance policies may be brought at place where insured resided *at date of death* or where property situated *at date of policy*. Amending C. §3214. 206, 15 Mr 04

1753

## Life and accident

1754

#### General

- a Ia. Providing for consolidation or reinsurance of risks of life insurance companies: plan to be submitted to auditor of state and approved by designated commission. 58, 30 Mr 04
- b Ia. Amending C. §1788 as to transfer of certain funds of stipulated premium and assessment life insurance companies. 60, 30 Mr 04
- c Md. Life and accident insurance companies may deposit as security with state treasurer 1st mortgage on real estate within state; cancelation and reissue of capital stock to provide contingent fund; procedure. Amending C. art.23 §85M and adding §85N. 251, 4 Ap 04
- d O. Deposit of life insurance company in excess of requirements to be held in trust for company; additional requirements for commencement of business. Amending R. S. §3594-95. p.149, 22 Ap 04



O. Amending R. S. §3604-5, 3616 relating to licensing and deposits of life insurance companies. p.153, 22 Ap 04

O. Repealing '98 p.343 which provides for incorporation of insurance companies on stipulated premium plan. p.161, 22 Ap 04

O. Amending R. S. §3630i as to transfer of certain funds and annual report of accident insurance companies. p.435, 26 Ap 04

O. Amending R. S. §279 relating to annual valuation by superintendent of insurance of obligations of life insurance companies. p.437, 26 Ap 04

#### **Actions against companies**

O. Amending R. S. §3630f relating to actions against life insurance companies. p.138, 21 Ap 04

#### **Foreign companies**

O. Amending R. S. §3630j as to revocation of certificate of foreign accident insurance companies *when expenses exceed 30% of premiums, assessments and fees; annual report.* p.147, 22 Ap 04

#### **Policies**

a **Ia.** Form of life insurance policy to be approved by governor, auditor of state and attorney general or any 2 of them; regulations; penalties. 59, 12 Ap 04

b **Miss.** Copy of application to be delivered with life insurance policy; default to estop company to deny statement in application; misstatement of age not to invalidate policy; insurance to be estimated according to premiums paid and for actual age. 81, 22 Mr 04

#### **Mutual insurance**

a O. Excepting certain mutual burial associations from requirements of R. S. §3630a-31 relative to life insurance companies. Amending R. S. §3631a. p.61, 31 Mr 04

#### **Assessment companies**

: **Mass.** Fraternal insurance corporations may within 7 years of act become assessment insurance companies under R. L. ch.120; substitution of beneficiaries; election and terms of officers. 155, 14 Mr 04

O. Amending R. S. §3630e as to revocation of certificate of foreign assessment life or accident insurance companies *when expenses exceed 30% of premiums, assessments and fees.*

p.144, 22 Ap 04

#### **Fraternal beneficiary societies**

**Ala.** Generally amending C. §1116-20 relating to mutual benefit and aid associations: conditions for doing business; report to and examination by *insurance commissioner* [formerly auditor]; tax; process. p.135, 28 F 03



## Fire and casualty

1761-66

### N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- b Ia. Auditor of state to examine fraternal beneficiary societies at least biennially; revocation of authority; penalties for soliciting new business thereafter. 61, 17 Mr 04
- c Ia. Articles and bylaws of fraternal beneficiary societies to be approved by auditor and attorney general must have 500 [formerly 250] applications of \$1000 each; foreign companies to have 1000 members and \$1,000,000 insurance. Amending C. §1832. 62, 30 Mr 04
- d Ia. Consolidation or reinsurance of risks of fraternal beneficiary societies to be approved by auditor; procedure; penalties. 63, 30 Mr 04
- e Mass. Certain fraternal organizations may pay member on death of wife portion of amount payable at his own death. 271, 29 Ap 04
- f O. General act regulating fraternal beneficiary societies. 12p. Repealing R. S. §3631 subdiv.11-23. p.421, 26 Ap 04
- g O. Permitting certain foreign fraternal beneficiary associations to continue business within state; license; fees. p.495, 26 Ap 04

1763

## Fire and other casualty

See also 1092, Fires; 2602, Fire departments

1764

### General and miscellaneous

- a N. Y. Minor amendment to insurance law '92 ch.690 §86 as to assets and liabilities of casualty insurance corporations. 468, 28 Ap 04
- b O. Amending R. S. §3634, 3640 as to issue of certificate to insurance companies other than life and as to *deposit of \$10,000 of mutual fire insurance companies*. p.155, 22 Ap 04
- c O. Amending R. S. §3644 holding solicitor to be agent of insurance company other than life. p.160, 22 Ap 04
- d O. Amending R. S. §3661a relating to statements in advertisements of fire insurance companies. p.419, 25 Ap 04
- e O. Amending R. S. §3648 as to reservation of unearned premium fund in estimate of profits of fire insurance companies; §3654 as to reinsurance of certain companies other than life. p.443, 26 Ap 04

1765

### Fire prevention associations

- a La. Fire insurance companies doing business in state may form fire prevention bureau; organization and management; powers and duties; annual report to state fire marshal. Amending Code of Practice art.116. 189, 7 Jl 04

1766

### Foreign companies. Reinsurance

- a N. Y. Amending insurance law '92 ch.690 §34 as to taxation of foreign marine insurance corporations. 708, 11 My 04



- b N. Y. Amending insurance law '92 ch.690 §22 relating to reinsurance by fire insurance companies. 759, 14 My 04
- c O. License may be issued to agents to procure insurance in fire and casualty companies unauthorized to do business within state; regulations. p.157, 22 Ap 04
- d O. Foreign insurance companies other than life must consent to suit in *county where application taken*. Amending R. S. §3657. p.159, 22 Ap 04
- e O. Amending R. S. §3691 subdiv.13 relative to reinsurance of fire and casualty companies. p.446, 26 Ap 04

### ig Policies

- a Mass. Defining "noon" in Massachusetts standard fire insurance policy. 240, 16 Ap 04

### o Mutual companies

- a Mass. Mutual fire insurance companies operating on cash premium plan or with capital of less than \$100,000 to carry at least \$1,000,000 insurance in not less than 400 risks. Amending R. L. ch.118 §39. 300, 6 My 04
- b N. Y. Amending insurance law '92 ch.690, '01 ch.142 §280 as to filing certificate of extension of corporate existence of town and county cooperative insurance companies. 551, 3 My 04
- c O. Generally amending R. S. §3686-87, 3690 relative to mutual fire, cyclone, *hail, explosion* and other casualty insurance companies. p.150, 22 Ap 04

## 3 Surety and guaranty companies

### 5 General

- a La. Guaranty, fidelity, surety and bond companies to deposit \$50,000 as a guaranty fund with state treasurer; withdrawal of deposit; regulations. 71, 1 Jl 04
- b Mass. Fidelity insurance companies to deposit with state or other state \$100,000 for protection of policy holders in United States; deposit in state not to be returned while liabilities outstanding therein. 304, 6 My 04
- : O. Insurance companies indemnifying employers against damage for personal injury from accidents to employees to deposit \$50,000 in bonds for security of policy holders; fidelity companies may insure depositors against loss from bank failures. Amending R. S. §3641, and repealing §3641b. p.407, 25 Ap 04.

### 7 Credit and title insurance

- i N. Y. Title guaranty companies to report annually to state superintendent of insurance amount of bonds and mortgages guaranteed. Amending insurance law '92 ch.690 §170, 176. 543, 3 My 04



## **Navigation. Waterways**

**1797-1826**

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- b N. Y. Regulating settlement of accounts of receivers of title guaranty companies. 754, 14 My 04

**1798**

### **Foreign companies**

- a O. Amending R. S. §3656 as to licensing of foreign surety and guaranty companies. p.166, 22 Ap 04

**1800**

## **Navigation. Waterways**

*See also* 1383, Canals; 1388, Ferries and fords; 1393, Bridges

**1804 Wharves. Docks. Piers. Wharf lines**

- a Cal. Providing for \$2,000,000 bond issue to construct seawall in city and county of San Francisco; state comptroller and treasurer to report annually to governor; regulations. *Adapted November 1904.* 211, 20 Mr 03

**1810**

### **Loading vessels**

- a Va. Amending C. §1991 relating to appointment of ballast masters by *Circuit* [formerly County] and Corporation Courts. 474 (ex. sess.), 18 D 03

**1811**

### **Navigation companies**

- a Mass. State Board of Railroad Commissioners to exercise same powers in respect to steamship companies serving as common carriers between ports as to railways. 265, 25 Ap 04

**1812**

### **Obstructions**

- a N. J. Cities of 150,000 may lease boats to remove ice from channel of river to keep navigation open; appropriation limited to \$20,000. 33, 16 Mr 04

**1822**

## **Agriculture**

*See also* 935, 1466, Adulteration; 1143, Communicable diseases of animals; 1427, Agricultural products (sale of); 1588, Veterinary practice; 2344, Agricultural schools

**1824**

## **Supervision and encouragement (general)**

*See also* 1632, Bonus, exemption, bounty

**1826 State department**

- a La. Commissioner of agriculture and immigration from general election in April 1908 to be *elected* [formerly appointed by governor with consent of Senate]; vacancy to be filled by governor with consent of Senate. Amending '94 ch.141 §1. 194, 7 Jl 04
- b S. C. Creating state commissioner of agriculture, commerce and immigration: to promote industrial development of state; annual report to governor. 259, 23 F 04
- c Va. Amending '03 ch.295 §2 (ex. sess.) as to meetings of Board of Agriculture and Immigration. 516 (ex. sess.), 31 D 03



## ADMINISTRATIVE LAW AGRICULTURE

1828

## Experiment stations

See also 2344, Agricultural schools

- a Ala. Amending C. §405, 407 relating to Board of Control of Branch Agricultural Experiment Stations and Schools: board to consist of state superintendent of education, commissioner of agriculture *and industries*, governor and 2 [formerly 5] appointees from congressional district where school is located; board and *professor of agriculture of Alabama Polytechnic Institute* to direct course of study and experimentation. p.259, 30 S 03
- b Miss. Trustees of Mississippi Agricultural and Mechanical College may establish branch agricultural stations in northwestern part of state, and in Yazoo and Mississippi delta respectively, on donation of land and site. 85, 20 F 04; 84, 25 F 04
- c N. Y. Amending agricultural law '93 ch.338 §85 as to managing board of New York Agricultural Experiment Station: to consist of governor, *state commissioner of agriculture* and 7 [formerly 9] appointees of governor; annual report of board *to form part of commissioner's report*. 439, 27 Ap 04
- d N. Y. Director of New York Agricultural Experiment Station may publish bulletins relative to analyses of substances made, according to statutory provisions. 570, 3 My 04

1829

## Farmers institutes. Reading courses. Lectures

- a Md. \$6000 [formerly \$4000] annual appropriation for farmers institutes in state. Amending '96 ch.102 §4, '00 ch.363. 557, 8 Ap 04

1834

## Associations. Fairs

1835

## General and miscellaneous

- a O. County agricultural societies may mortgage real estate to renew debts or purchase land; proviso. Amending R. S. §3700. p.60, 31 Mr 04
- b O. Amending R. S. §3706-6b relative to purchase or lease of new sites for holding county fairs. p.297, 23 Ap 04

1840

## State associations and fairs

- a Ia. \$47,000 appropriation for fireproof building for state fair exhibits. 150, 6 Ap 04
- b Md. Providing for dissolution of Maryland Mechanical and Agricultural Association incorporated in 1867; procedure. 141, 25 Mr 04
- c N. Y. State Fair not to be held on labor day. Amending agricultural law '93 ch.338 §142. 447, 27 Ap 04



**Horticulture. Noxious animals**

**1842-64**

**N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904**

**1842**

**Horticulture. Diseases and pests**

**1844**

**Supervision and regulation**

- a**    **Ala.** Regulating inspection and sale of nursery stock: creating State Board of Horticulture, and office of state horticulturist; dealers to obtain certificate from latter; shipments to bear inspection tag; liability of common carriers; treatment of infested stock; quarterly report of state horticulturist to board; annual report of board to governor; \$1500 annual appropriation.      p.140, 5 Mr 03
- b**    **Ga.** Amending '00 p.89 §3 relating to Department of Horticulture and Pomology: provision for salary of assistant entomologist; extension of powers and duties of state entomologist; increased appropriation.      p.19, 15 Ag 04
- c**    **La.** Creating State Crop Pest Commission: to prevent spread of crop and fruit diseases and pests, in particular Mexican boll weevil; inspection and destruction of infested crops; prosecution; bulletins to be published and distributed by Board of Agriculture and Immigration.      6, 15 D 03
- d**    **N. J.** Amending '03 ch.249 §15 relative to proceedings for enforcing law regulating inspection of nursery stock.      47, 22 Mr 04
- e**    **O.** Revising law relating to inspection of nursery stock. Repealing '02 p.491.      p.172, 22 Ap 04
- f**    **R. I.** Providing for appointment of state nursery inspector by State Board of Agriculture for 1 year; compensation; annual inspection of home grown stock and issue of certificates; exemptions; shipments of stock to bear inspection tag.      1159, 13 Ap 04

**1846**

**Boll weevil**

- a**    **Ala.** Misdemeanor to import cotton seed affected with boll weevil.      p.403, 6 O 03
- b**    **Ga.** Misdemeanor to bring into state boll weevil or larvae of same; shipment of cotton products or grain and fodder from localities where boll weevil exists to bear certificate of United States or state entomologist; regulations. Adding §15-23 to '00 p.89.      p.19, 15 Ag 04
- c**    **Miss.** Entomologist of Mississippi Agricultural Station authorized to regulate inspection, sale, shipment and treatment of nursery stock, and cotton products liable to be infested with boll weevil; report to Legislature of 1896; \$10,000.      45, 18 Mr 04
- d**    **S. C.** Misdemeanor to import live specimen of boll weevil or cotton seed, oats or prairie hay from parts of Texas affected by boll weevil.      265, 25 F 04

**1856**

**Noxious animals. Bounties**

**1864**

**Hawks**

- a**    **R. I.** 25c bounty for killing wild hawks; exceptions; \$500.      1160, 13 Ap 04



1875

**Domestic animals**

*See also* 895, Cruelty to animals; 960, Milk and milk products; 1143, Communicable diseases of animals; 1588, Veterinary practice

1876

**Running. Impounding. Fences**

1877

**Running at large**

- a **Ala.** Governing body of county may order election to establish stock districts and repeal existing local stock laws; procedure; seizure and sale of stock; damages; appeal. p.431, 29 S 03
- b **Ala.** Cities of 5000 to prevent stock from running at large; impounding fees; penalties. p.365, 1 O 03
- c **La.** Cities of 2000 may regulate or restrict stock from running at large. 60, 29 Je 04

1882

**Ownership. Sale. Miscellaneous**

1884

**Stealing. Driving. Using**

- a **Ala.** Misdemeanor to buy or sell cows between sunset and sunrise. p.418, 10 O 03
- b **Ala.** Butchers to record in 24 hours description of cow killed, also name and address of seller; penalties. p.419, 10 O 03

1888

**Dogs**

*See also* 1163, Rabies

- a **Ia.** Amending C. §2340 relating to liability of owner for damages done by dogs. 81, 13 Ap 04
- b **Mass.** Repealing R. L. ch.102 §138, 141 as to provision which prohibited possession of great Danes or Ulmer dogs except for exhibition purposes. 105, 24 F 04
- c **Mass.** Liability of owner for damages to sheep, *lambs, fowls and other domestic animals* by dogs. Amending '02 ch.226. 127, 2 Mr 04
- d **Mass.** Amending R. L. ch.102 §155 relating to investigation of damages by dogs. 142, 10 Mr 04
- e **Mass.** Amending R. L. ch.102 §151 as to appraisal of damages for injuries caused by dogs to domestic animals. 283, 30 Ap 04
- f **N. Y.** *Commissioner of public safety* [formerly mayor] in cities of 50,000 to 250,000 to destroy vicious dogs. Amending '02 ch.294 §14. 82, 18 Mr 04

1889

**Dog tax**

- a **O.** Amending R. S. §2833, 4215 so as to provide uniform disposition of fund created by dog tax. p.275, 23 Ap 04
- b **S. C.** 50c annual tax on each dog for school fund. 272, 25 F 04

1890

**Forestry**

*See also* 2742, Roads

1891

**General**

- a **Ala.** Penalty for injuring trees by boxing. Amending C. §4137. p.390, 6 O 03



- b**    **La.** Providing for preservation of forests and prevention of forest fires and reforestation of denuded lands: creating State Forestry Commission; appointment of fire warden force; instruction in forestry to be given in public schools; annual report by commissioner of forestry to governor. 113, 4 Jl 04
- c**    **La.** Standing timber to remain an immovable and subject to laws relating to immovables, even if separated in ownership from land. 188, 7 Jl 04
- d**    **Mass.** Creating office of state forester: to further perpetuation of public and private forest lands; to give lecture course on forestry to Massachusetts Agricultural College; annual report to Legislature; annual expenditure limited to \$5000. 409, 3 Je 04
- e**    **N. Y.** Amending forest, fish and game law '00 ch.20 §224a, 225-26, 228, 230 as to prevention of forest fires: commissioner in time of forest fires may appoint 5 assistant fire wardens, at \$600 each, to serve along railroads in forest preserve counties of Adirondacks; at other times to serve as game protectors, or in reforestation; State Railroad Commission on request of commissioner to require railroads to adopt fire precautions and devices; action to recover damages to state lands in forest preserves. Adding §224b. 590, 3 My 04

1894

**Forest preserves***See also* 798, State parks

- a**    **N. Y.** Creating Catskill Park and defining boundaries. Adding §217a to forest, fish and game law '00 ch.20. 233, 5 Ap 04
- b**    **N. Y.** Referring to next Legislature amendment to Const. 1894 art.7 §7 relating to forest preserve: Legislature may authorize removal of dead timber for reforestation; also sale of lands outside Adirondack Park and Catskill Park; proceeds to be used for purchase of lands within parks; regulations. p.1934, 9 Ap 04
- c**    **N. Y.** Amending forest, fish and game law '00 ch.20 §217 defining boundaries of Adirondack Park. 304, 13 Ap 04
- d**    **N. Y.** \$200,000 to continue acquisition of land in Adirondack Park and \$50,000 for same purpose in Catskill Park; expenditure to be directed by Forest, Fish and Game Commission. 717, 11 My 04

1900

**Game and fish**

1901

**General**

1902

**General**

- a**    **Ia.** State fish and game warden may issue permits to fish in *lakes with area of 2 square miles*; seining prohibited from Dec. 1 to June 15. Amending C. §2546. 94, 22 Mr 04
- b**    **Ky.** County judges to appoint fish and game wardens; powers and duties; disposition of fines. 68, 21 Mr 04



## ADMINISTRATIVE LAW GAME AND FISH

- c La.** General law for protection of wild deer and game birds. 126, 5 Jl 04
- d N. J.** Regulating fishing in Delaware bay, Delaware river and their tributaries; enforcement according to '97 ch.41. Supplementing '03 ch.246. 42, 17 Mr 04
- e N. Y.** Miscellaneous amendments to forest, fish and game law '00 ch.20, ch.599. 578, 3 My 04; 579, 3 My 04; 580, 3 My 04
- f N. Y.** Forest, Fish and Game Commission to compile manual of laws; 18,000 copies to be published; distribution. 589, 3 My 04
- g O.** Revising fish and game law. 14p. Repealing R. S. §405-9c, 6960-68a. p.463, 26 Ap 04
- h Or.** 1500 copies of game laws to be printed for distribution by state game warden. p.37, 23 D 03
- 1903 State boards. Officers**
- a Md.** Providing rations for officers and crews of steamers of State Fishery Force. 202, 31 Mr 04
- b Md.** Salary of clerk of State Fishery Force \$1000 [formerly \$700]. Amending C. art.72 §45. 259, 7 Ap 04
- c Md.** Amending '96 ch.293 §1, 3-7 relating to game wardens: governor may appoint on request of state game warden, deputies for state, counties *or cities*; salary of state game warden \$1200 [formerly \$500]; State Fishery Force to assist latter on consent of governor. Adding §14. 346, 7 Ap 04
- d N. Y.** Amending forest, fish and game law '00 ch.20 §172 as to compensation of certain game protectors. 710, 11 My 04
- 1904 Enforcement. Fines**
- a Mass.** State commissioners on fisheries and game and their deputies with warrant may make entry and seizure of fish and game illegally taken or held in possession. 367, 23 My 04
- b N. Y.** Amending forest, fish and game law '00 ch.20 §187 relating to disposition of proceeds of actions and fines for violation of law: attorneys' fees not to be applied to payment of expenses of collection. 592, 3 My 04
- 1906 Hunters license**
- a Ky.** Amending '02 ch.79 §4 as to fees for hunting license of nonresident. 48, 21 Mr 04
- b Neb.** Providing for summary forfeiture of property used for hunting by unlicensed hunter. C. S. '01 §3173b. *Unconstitutional* in so far as provides forfeiture without hearing; deprives of property without due process of law. *McConnell v. McKillip*, 99 N. W. 505 (1904).
- 1908 Trespass. Private lands. State waters**
- a N. J.** Trespasser on marsh land for gunning after notice forbidding same, to be deemed disorderly person. Supplementing '98 ch.239. 68, 28 Mr 04



1909

## Game

*See also 1856, Noxious animals*

1911

## Close season

- a N. J. Prohibiting dogs from running at large in fields inhabited by rabbits or game birds [formerly except from Nov. 1 to Mar. 1]. Amending '03 ch.246 §24. 233, 5 Ap 04

1913

## Big game

1916

## Bears

- a N. Y. Protecting wild black bears: close season July 1 to Sep. 30; record of game taken to be filed with Forest, Fish and Game Commission; penalties; Essex county excepted. Amending forest, fish and game law '00 ch.20 §16, and adding §11a. 630, 9 My 04

1919

## Deer

- a N. J. Amending '03 ch.246 §16 as to deer hunting *with intent to kill*. 233, 5 Ap 04
- b N. Y. Amending forest, fish and game law '00 ch.20 §101 allowing possession of venison at certain times. 198, 4 Ap 04
- c R. I. Prohibiting killing or possession of deer prior to *January 1908* [formerly February 1905]; fine \$100 to \$500; disposition. Amending '00 ch.723. 1165, 13 Ap 04

1921

## Elk

- a N. Y. Forest, Fish and Game Commission may restock Adirondack region with elk. Amending forest, fish and game law '00 ch.20 §11. 587, 3 My 04
- b Or. Elk may not be taken or had in possession prior to Sep. 15, 1907 [formerly 1904]. Amending Ann. C. & S. §2011. p.30, 22 D 03

1927

## Small game

1929

## Beaver

- a N. Y. Provision for restocking Adirondack region with wild beaver; penalties. Amending forest, fish and game law '00 ch.20 §14, 16. 674, 9 My 04

1939

## Rabbit. Squirrel

- a Ky. Close season for rabbit and squirrel Sep. 15 to Nov. 15; proviso. Adding §17 to '94 ch.28. 38, 18 Mr 04

1943

## Birds

1946

## Game birds

1947 General

- a Ia. Day's catch of wild turkey, duck, goose or brant limited to 25 birds. Amending C. §2552. 95, 15 Mr 04
- b Va. Amending C. §2070a, 2079 as to preservation of game birds: owl, hawk eagle and snipe excepted. 185, 14 Mr 04



**ADMINISTRATIVE LAW GAME AND FISH**

**1949 Anatidae**

Waterfowl: swan, goose, duck, brant

- a N. J.** Close season for waterfowl, *Sep. 1* [formerly Oct. 1] to May 1. Amending '03 ch.246 §8. 231, 5 Ap 04

**1950 Gallinae**

Black game: capercaillie, grouse, partridge or ruffed grouse, pheasant, prairie chicken, ptarmigan, quail, sage fowl, wild turkey

- a Ia.** Close season for ruffed grouse, wild turkey and quail, *Dec. 15* [formerly Jan. 1] to Nov. 1. Amending C. §2551. 92, 21 Mr 04
- b Ky.** Prohibiting sale or transportation of wild turkey, pheasant, grouse, partridge or quail; penalties. 107, 24 Mr 04
- c N. J.** Amending '03 ch.246 §13 as to close season for ring-necked pheasant: proviso relating to game preserves. 220, 29 Mr 04
- d N. Y.** Prohibiting the killing or possession of Mongolian ring-necked or English pheasants prior to 1910 [formerly 1905]; Suffolk county excepted. Amending forest, fish and game law '00 ch.20 §31. 582, 3 My 04
- e Or.** Misdemeanor to kill or have in possession ring-necked pheasant prior to Oct. 1, 1906. p.17, 24 D 03
- f Va.** Misdemeanor to take, hold in possession or sell pheasant prior to Jan. 1, 1909. 255, 15 Mr 04

**1952 Shore birds**

Woodcock, plover, snipe, sandpiper, curlew

- a Mass.** Amending R. L. ch.92 §6 relating to protection of shore, marsh and beach birds: cold storage corporations may hold in possession for *storage purposes only* such game during close season. 369, 23 My 04
- b N. J.** Close season for shore birds, *May 1* [formerly July 15] to Jan. 1. Amending '03 ch.246 §9. 217, 29 Mr 04

**1953 Other than game birds. Song and insectivorous. Plume**

- a La.** Misdemeanor to kill, catch or hold in possession wild birds or plumage of same, other than game birds, also to take or destroy nest or eggs; common carriers liable for carrying protected birds; collectors permits issued by secretary of state; regulations. 48, 28 Je 04
- b Miss.** Misdemeanor to catch, kill, buy, sell or have in possession wild birds other than game birds, or to take or destroy nests or eggs; collector's permits granted by secretary of state; game birds designated; exceptions. 98, 22 Mr 04

**1959 Fish**

**1961 Fish culture**

- a N. Y.** Prescribing method for acquiring land and water for state fish hatchery purposes. 591, 3 My 04



1963

**Fishways**

- a **Mass.** State Board of Commissioners of Fisheries and Game to examine dams and *prescribe building of new fishways*; regulations. Amending R. L. ch.91 §9. 365, 23 My 04

1964

**Close season**

- a **Ia.** Close season for bass, pike, croppies, pickerel, catfish or other game fish, *Nov. 15* [formerly Nov. 1] to May 15. Amending C. §2540. 92, 21 Mr 04
- b **La.** Fish of fresh-water streams not to be taken from Dec. 1 to Mar. 1, or at any time except by rod and line; penalties. 147, 5 Jl 04

1965

**Minimum size**

- a **N. J.** Amending '03 ch.246 §31 protecting small sized bass, trout and pickerel; Long Island pickerel, varied pickerel and grass pike excepted. 239, 5 Ap 04

1966

**Special methods of fishing**

- a **Ga.** Fish may not be taken with seine, net, *gig or spear* from *Mar. 15 to July 1* [formerly June 1 to Sep. 1]; use of firearms prohibited. Amending '03 p.100 §6, 8. p.103, 15 Ag 04

1971

**Seining. Nets**

- a **Ia.** Fishing with trawl line allowed in certain cases from May 15 to *Nov. 15* [formerly Dec. 1]. Amending C. §2540. 92, 21 Mr 04
- b **Mass.** Amending R. L. ch.91 §26, '03 ch.294 as to use of trawls in fishing in ponds. 308, 6 My 04
- c **N. J.** Amending '03 ch.246 §40 as to net used in taking carp and suckers. 236, 5 Ap 04

1974

**Special kinds of fish**

1977

**Bait minnows**

- a **Mass.** Shiners for bait may be taken in Merrimac and Connecticut rivers during November and December. Amending R. L. ch.91 §81. 116, 27 F 04

1978

**Bass**

- a **Ia.** Repealing C. §2540 so far as it prohibits taking of black bass under 6 inches in size. 93, 15 Mr 04
- b **Mass.** Repealing R. L. ch.91 §69 which regulated taking of black bass. 223, 9 Ap 04
- c **N. J.** Close season for bass, Dec. 1 to *May 20* [formerly June 15]. Amending '03 ch.246 §27. 233, 5 Ap 04
- d **N. Y.** Bass may be taken only by angling. Amending '00 ch.20 §45. 584, 3 My 04

1984

**Pickerel. Pike**

- a **Mass.** Pickerel less than 10 inches in length not to be taken *from waters of state* [formerly Berkshire county], sold or held in possession. Amending R. L. ch.91 §67. 329, 13 My 04



## ADMINISTRATIVE LAW GAME AND FISH

- b **Mass.** Clerk of town restricting the taking of pickerel to use of hook and hand line according to R. L. ch.91 §68 to notify State Board of Commissioners on Fisheries and Game; penalty.

364, 23 My 04

- c **N. J.** Close season for pickerel, Dec. 1 to *May 20* [formerly May 1]. Amending '03 ch.246 §28.

233, 5 Ap 04

38 **Shad. Herring. Sardines**

- a **S. C.** Misdemeanor to ship shad out of state.

201, 16 F 04

12 **Sturgeon**

- a **N. J.** Regulating sturgeon fishing in Delaware bay, river and tributaries.

234, 5 Ap 04

6 **Trout**

- a **N. Y.** Close season for lake trout Oct. 1 to April 15 [formerly April 30]. Amending forest, fish and game law '00 ch.20 §44.

311, 13 Ap 04

9 **Shellfish. Miscellaneous**o **General**

- a **Mass.** City authorities on two thirds vote may appropriate money to propagate shellfish and may declare close season not exceeding 3 years; provisos; District Courts and trial justices to have concurrent jurisdiction with Superior Court.

282, 30 Ap 04

- b **S. C.** Unlawful to export oysters or clams in shell except from private beds; canning factories also terrapin buyers and catchers to keep book. Adding §2333a to C. C.

251, 25 F 04

1 *State department*

- a **R. I.** Salary of commissioners of shellfisheries \$500 [formerly \$300]. Amending G. L. ch.294 §2.

1163, 13 Ap 04

2 *Shellfish cultivation*

- a **N. Y.** Leases of lands for shellfish cultivation may be renewed for term of 15 years; proviso. Amending forest, fish and game law '00 ch.20 §158.

80, 18 Mr 04

) **Lobsters**

- a **Mass.** State commissioners on fisheries and game may purchase lobsters with eggs attached at 25c above market price; disposition; equipment and appropriation for boat to enforce law.

408, 3 Je 04

) **Oysters**r **General**

- a **Ala.** Amending C. §3159, 5574 permitting use of double rake or oyster tongs worked by hand or *by handles or ropes*.

p.389, 3 O 03; p.390, 6 O 03

- b **La.** Revision of law regulating oyster industry. Repealing '02 ch.153.

52, 29 Je 04



## Mines and mining

2011-41

### N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- c Md. Board of Public Works to transport rubbish resulting from Baltimore fire to natural oyster beds in Chesapeake bay; oyster navy to assist in distribution. 415, 8 Ap 04
  - d Miss. State Board of Oyster Commissioners may buy or build patrol boat; to protect natural reefs in Mississippi sound; \$3000. 113, 18 Mr 04
  - e N. J. Misdemeanor to use vessel mechanically propelled to take oysters from natural beds under tidal waters. 184, 29 Mr 04
- 2013 Beds. Grounds
- a Va. Persons renting oyster grounds from state may erect piers, docks or watchhouses; provisos. 536 (ex. sess.), 31 D 03
  - b Va. Persons renting state oyster grounds may erect shucking houses. Amending '03 ch.536 (ex. sess.). 160, 14 Mr 04
  - c Va. Abandoned oyster grounds may be rerented; regulations. 176, 14 Mr 04
  - d Va. State Board of Fisheries may employ clerk to make list of all renters of oyster planting ground; regulations. 199, 15 Mr 04
  - e Va. Amending '02 ch.378 §1, 2 providing for resurvey of oyster planting grounds on petition of citizens of county to State Board of Fisheries; regulations; appropriation. 256, 15 Mr 04

2020

## Mines and mining

*See also* 846, Taxation. For labor in mines, *see* 2040, Labor

2026 Eminent domain. Right of way

- a Ga. Provision for securing right of way by domestic *and* foreign mining corporations. Amending C. §650. p.51, 15 Ag 04

2040

## Labor

*See also* 354, Convict labor; 418, Mechanics liens; 451, Exemptions from execution

2041

### General. State bureaus and departments

*See also* 20, Bureaus of statistics

- a Ia. Commissioner of Bureau of Labor Statistics may appoint deputy at \$1200 [formerly \$1000] salary, *also factory inspector with approval of Executive Council and clerk at \$100 and \$65 a month respectively*; expense allowance \$1500 [formerly \$500]. Amending C. §2477. 85, 13 Ap 04
- b Mass. Providing for publication of 10,000 copies of report of committee on relations between employer and employee; distribution by secretary of commonwealth. r.4, 3 F 04
- c Mass. 4500 [formerly 6000] copies of annual report of Bureau of Statistics of Labor; statistics of manufactures to form part of report. Amending R. L. ch.94 §7 lines 79-90. 410, 3 Je 04



**General workshop regulations***See also 1099, Buildings, sanitation and safety*

- a **Mass.** Two women members of inspection department of district police to serve as factory inspectors; salary \$1250 [formerly \$1000]. Amending R. L. ch.108 §5. 382, 27 My 04
- b **Mass.** State Board of Health to investigate factories as to conditions affecting health or safety of employees; report to Legislature of 1905; \$1000. r.99, 3 Je 04
- c **Mass.** Governor may appoint 2 additional members of district police force, to serve as additional inspectors of factories and public buildings; preference of veterans may be withdrawn. 430, 4 Je 04
- f **N. J.** General factory law. 18p. 64, 24 Mr 04; 83, 28 Mr 04
- e **O.** Amending R. S. §4238a-b, e-f relating to inspection of workshops and factories: chief to appoint 13 [formerly 3] district inspectors with approval of governor, and redistrict state and assign inspectors; salary of inspectors, \$1200 [formerly \$1000]. p.530, 20 Ap 04

**Comfort of employees****Seats for employees**

- a **Md.** Amending C. art.27 §147A providing seats for saleswomen in mercantile establishments; women not to be forbidden to make use of seats; local health officers to inspect establishments and institute proceedings for violation of law. 287, 7 Ap 04

**Washrooms and closets**

- a **R. I.** Foundries with 10 employees to provide toilet rooms; penalties. 1142, 3 Mr 04

**Safety of employees***See also 2125, Employers liability*

- a **Mass.** Protecting factory operatives from injury by flying shuttles: looms to be equipped with guards approved by inspection department of district police; penalty. 347, 16 My 04
- b **N. Y.** Owners or lessees of factories in cities of 250,000 to maintain lights in hallways on order from state commissioner of labor. Amending labor law '97 ch.415 §81. 291, 13 Ap 04

**Mines****Safety of employees****Bosses, managers etc.**

- a **Ia.** Repealing C. §2479a as to provision requiring appointment of hoisting engineer on Board of Examiners of Mine Inspectors. 86, 12 Mr 04

**Hospital accommodations and medical aid***See also 2167, Miners hospitals*

- a **O.** Operators or superintendents of mines employing 10 miners to provide stretchers and medical aid for persons injured at mines. p.63, 1 Ap 04



## Hours. Wages

2077-103

## N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

### 2077 Railways

#### 2078 Health of employees

#### 2079 Vestibules

a La. Misdemeanor not to provide vestibules on electric street cars from Nov. 15 to Mar. 15. 81, 4 Jl 04

b S. C. All street cars [formerly except Charleston county] to have vestibules. Amending '02 ch.573. 236, 22 F 04

#### 2080 Safety of employees

a O. Misdemeanor to place mail cranes or live stock chutes so as to come nearer than 18 inches to cab of widest locomotive used on railroad. p.274, 23 Ap 04

### 2082 Sweat shops

a N. Y. Amending labor law '97 ch.415 §2, 100-1, 103, 105 relative to tenement-made articles: tenement *houses* [formerly room or apartment in same] to be licensed; list of articles extended; license to be issued only on health inspector's report that premises are sanitary and not infected by disease; semiannual inspection.

550, 3 My 04

### 2084 Hours

*See also* 1612, Labor day; 2112, Employment

### 2085 General

a La. Proprietors of retail establishments in cities of 50,000 to allow employees 1 hour for meal time or recreation. 195, 7 Jl 04

#### 2086 Women

#### 2088 Mercantile establishments

a Mass. Amending R. L. ch.106 §23 relating to hours of women employed in mercantile establishments: provision of 58 hour law extended to include month of December. 397, 2 Je 04

#### 2089 Children

*See also* 2118, Employment of children

#### 2091 Mercantile establishments

a Mass. Amending R. L. ch.106 §23 relating to hours of children employed in mercantile establishments: provision of 58 hour law extended to include month of December. 397, 2 Je 04

### 2096 Public work

a Mon. Amending Const. 1889 art.18 by adding §4, 5: establishing 8 hour day for state, county or municipal public work. *Adopted November 1904.* 49, 3 Mr 03; 4 (2d ex. sess.), 10 D 03

### 2100 Wages

*See also* 418, Mechanics liens

#### 2103 Mode of payment: money, company stores, certificates

a Ill. Mining and manufacturing corporations not to keep general supply stores. p.212, 28 My 91. *Unconstitutional.* Interfer-



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ence with freedom of contract. Class legislation. Unequal protection of laws. *Kelleyville Coal Co. v. Harrier*, 69 N. E. 927 (1904).

**b Mo.** Requiring wages to be paid in lawful money or orders bearing interest and payable in lawful money. p.206, 8 Ap 95. *Unconstitutional*. Deprives of property without due process of law; restricts freedom of contract. *State v. Missouri Tie & Timber Co.*, 80 S. W. 933 (1904).

**c S. C.** Employer failing to redeem labor token within 30 days to forfeit \$50 to employee *or holder; manufacturers of lumber and brick to redeem on pay days only*. Amending C. C. §2720.

254, 25 F 04

**4 Period of payment**

**a Md.** Mining, manufacturing, railroad, telegraph, telephone, quarrying and express companies to pay employees *semimonthly at intervals of not more than 16 nor less than 14 days* [formerly not later than 10th of month]. Amending '02 ch.589. 93, 17 Mr 04

**b N. J.** Amending '99 ch.38 §3 requiring employers to pay wages in lawful money every 2 weeks: enforcement by commissioner of labor.

195, 29 Mr 04

**2 Employment**

**3 General**

**3(5 Contracts**

**a Ala.** Amending C. §4730 relating to obtaining property from employer by false pretense of contract; *refusal or failure to perform or refund prima facie evidence of intent*. p.345, 1 O 03

**c S. C.** Punishment for violation of labor contract not to discharge contract. Amending Crim. C. §357. 242, 25 F 04

**d S. C.** Miscellaneous amendments to Crim. C. §357 relating to violation of labor contract. 243, 25 F 04

**4 Employment offices. Emigrant agents**

**a Ala.** Misdemeanor for emigrant agents to hire laborers or solicit emigrants without license from state auditor; annual fee, \$500 for each county in which operating; penalties. p.344, 1 O 03

**b Cal.** Misdemeanor for employment agent to retain fee if applicant fails to obtain employment; fee limited to 10% of 1st month's salary; registration. 11, 12 F 03. *Unconstitutional* as to limitation on fee. Restricts freedom of contract; not within police power. Ex parte Dickey, 77 P. 924 (1904).

**b1 N. Y.** Regulating employment agencies in cities of 50,000

432, 27 Ap 04

**: O.** General law regulating private employment agencies: commissioner of labor statistics to issue license on payment of annual fee and bond of \$500 with surety; registration fee limited to \$2 to be repaid to applicant on failure to obtain position; female help not to be sent to houses of ill fame; enforcement by commissioner.

p.485, 26 Ap 04



## Employment

2115-23

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#### 2115 Free employment bureaus

- a O. Amending R. S. §308-8a relative to free public employment offices: commissioner of labor statistics *to divide state into 5 districts for establishment of same*; to appoint the several superintendents with approval of governor at \$1500 [formerly \$1200] salary; [formerly offices restricted to cities of 1st class and 1st and 2d grade of 2d class]. p.101, 19 Ap 04

#### 2118 Children

*See also 2270, Compulsory education*

- a Ala. Children under 10 not to be employed in factories, or under 12 unless necessary for own or parent's support; parent's affidavit to be filed with employer; children under 12 may work but 66 hours a week; children under 13 not to work between 7 p. m. and 6 a. m. and under 16 night work limited to 48 hours a week. p.68, 25 F 03
- b Mass. Amending R. L. ch.106 §31 relative to age and school certificates of minors: school committee to designate person to pass on certificate, when no school census, certificate of birth or local register is available. 432, 4 Je 04
- c N. J. Protecting minors from neglect and restricting employment: imprisonment in default of paying fine limited to *1 year* [formerly 20 to 90 days]. Amending '80 ch.95 §11. 178, 29 Mr 04
- d O. Amending '02 p.598 relating to employment of minors: children under 14 not to be employed *as messenger or driver* for factory, mercantile or other establishment; employers of minors under 16 to require age and schooling certificate as condition of employment according to R. S. §4022 subdiv.2, and to file same for inspection. p.321, 25 Ap 04

2119

#### Mines

#### 2121 Children

- a Mon. Amending Const. 1889 art.18 by adding §3, 5: children under 16 not to be employed in mines. *Adopted November 1904.* 49, 3 Mr 03; 4 (2d ex. sess.), 10 D 03

2122

#### Public work. Aliens

- a Ill. Forbidding the employment of aliens on public works or works partly paid for with public funds. p.2, 1 Je 89. *Unconstitutional.* Impairs freedom of contract. *City of Chicago v. Hulburt*, 68 N. E. 786 (1903).
- b Mass. Amending R. L. ch.106 §14 relating to employment on public works: preference *to be given to citizens of state*, secondly, to citizens of United States. 311, 9 My 04

2123

#### Railways

- a O. Misdemeanor to employ on railroad flagmen or hostlers unable to read, write and speak English; exception. p.72, 7 Ap 04



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1325

**Employers liability. Insurance***See also 1730, Insurance*

- a** O. Relating to action brought by employee or legal representative for personal injuries caused by negligence of employer to provide machinery guards: continuance in employment knowing of omission not to operate as defense; damages awarded for fatal injuries limited to \$5000, lesser injuries, \$3000. p.547, 3 My 04

1130

**Unions. Associations**

- a** Mass. Providing for registration of insignia of *societies, associations and* labor unions, and prohibiting unauthorized use.

335, 13 My 04

1134

**Labor disputes**

1136

**Conciliation and arbitration**

- a** Md. Providing for settlement of labor disputes: chief of Bureau of Industrial Statistics to try to secure arbitration; selection of board of arbitration; on failure of mediation chief to investigate and publish report; powers and duties. 671, 12 Ap 04
- b** Mass. Amending R. L. ch.106 §2-5 relating to powers of State Board of Conciliation and Arbitration: board on request of governor to investigate controversy. 313, 9 My 04
- c** Mass. Salary of members of State Board of Conciliation and Arbitration, \$2500 [formerly \$2000]. Amending R. L. ch.106 §1. 399, 2 Je 04
- d** Mo. Creating State Board of Mediation and Arbitration. p.195, 7 Mr 01 as amended by p.218, 28 Mr 03. *Unconstitutional* as to §5 authorizing board to apply to Circuit Court for punishment of witnesses for contempt. Circuit Court can not punish for contempt save to maintain its own authority; judicial powers can not be vested in board. *State v. Ryan*, 81 S. W. 435 (1904).

1137

**Blacklisting. Membership in unions**

- a** Ala. Prohibiting corporations from blacklisting or using means to prevent employment; penalties. p.281, 26 S 03
- b** Ind. Unlawful to prevent discharged employees from obtaining employment elsewhere. 166, 9 Mr 89. *Unconstitutional* as to §2, applying provisions of act to those voluntarily leaving employment. Subject-matter not within title. *Wabash Ry. Co. v. Young*, 69 N. E. 1003 (1904).
- c** Kan. Providing penalty for attempting to prevent employees from joining labor unions. 120, 18 F 97. *Unconstitutional*. Denies equal protection of laws; impairs freedom of contract; restricts liberty of citizen. *Coffeyville Vitrified Brick & Tile Co. v. Perry*, 76 P. 848 (1904).



## Poor relief

2138-57

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2138

### Boycotts. Interference

- a Ala. Prohibiting boycotting, unfair listing or any interference with lawful trade; penalties. p.281, 26 S 03

2139

### Strikes

- a N. Y. Misdemeanor to bribe labor representatives to prevent or cause strikes. Adding §447f to Pen. C. t.12. 659, 9 My 04

2140

## Charities

BY HELEN PAGE BATES

*See also* 60, State institutions; 335, Corrections; 582, Corporations not for profit; 1761, Fraternal beneficiary societies

2143

### State institutions (general)

- a N. J. Parent or guardian making application for person to enter any state institution for defectives to waive right of removal of inmate; provisos; approval of certificate of admission. Supplementing '73 ch.210, and amending §3. 134, 28 Mr 04; 135, 28 Mr 04

2144

### Local boards and officers

- a Va. Amending C. §95 as to time of appointment of superintendents of the poor; vacancies. 213, 15 Mr 04

2148

## Poor relief

*See also* 260, Vagrancy; 2406, Pensions and relief

2149

### General

- a Md. Contingent fund of \$250,000 for relief of destitution caused by Baltimore fire to be placed at disposal of State Board of Public Works. 129, 22 Mr 04

2151

### Support of pauper. Settlement

- a N. J. Amending R. S. '74 p.573 relative to liability of relatives to maintain their poor: Court of Quarter Sessions to determine; court may order weekly payment not exceeding \$6 for a year and compel surety, not exceeding \$500 in amount, also enforce payment of costs. 172, 175, 29 Mr 04
- b N. Y. Amending Crim. P. §915 relating to court order to compel support of poor relatives. 520, 29 Ap 04

2155

### Poorhouses

2157 Local institutions

- a Mass. Persons committed to almshouse or workhouse for offenses against laws to be separated from pauper inmates. 274, 30 Ap 04
- b O. County commissions may anticipate tax levy and issue bonds to \$50,000 to rebuild infirmary destroyed by fire. p.33, 4 Mr 04
- c O. County commissioners may erect temporary buildings on condemnation of infirmary by board of health; bond issue limited to \$10,000. p.169, 22 Ap 04



## ADMINISTRATIVE LAW CHARITIES

2160

**Sick and disabled***See also* 1018, Communicable diseases

2162

**Ambulances**

- a** **Mass.** Hospital ambulances to have right of way in public highways. 161, 19 Mr 04

2165

**Hospitals**2166 **State hospitals**

- a** **Miss.** Providing for management of State Charity Hospital at Vicksburg: reorganizing board of trustees; appointment of surgeon and steward; method of expenditure; biennial report to Legislature. Repealing '96 ch.10. 112, 9 Mr 04

2168 **Local hospitals**

- a** **Ala.** Governing body in counties of 35,000 may appropriate money to care for sick and wounded in hospitals within county. p.183, 5 Mr 03
- b** **Ala.** Cities of 5000 may make appropriations to care for sick in hospitals within city. p.411, 10 O 03
- c** **N. J.** Towns, boroughs or villages on majority vote at annual election may contribute to support of public patients in any hospital in state. 7, 29 F 04
- d** **N. J.** Counties without hospitals may appropriate sum not exceeding \$15,000 [formerly \$1000] toward support of county patients in private hospitals. Amending '86 ch.195. 92, 28 Mr 04
- e** **N. J.** Cities without hospitals may support patients in private hospitals within city; referendum. 223, 30 Mr 04
- f** **N. J.** Cities may levy annual tax of 1 mill for support of public hospital within city. 224, 30 Mr 04

2172

**Children***See also* 371, Juvenile offenders; 444, Guardianship; 474, Family; 2118, 2121, Employment

- a** **Ga.** Courts of Record may commit dependent and neglected children from 4 to 14 to private undenominational institutions till 16 years of age; counties may pay for each child not to exceed \$50 a year; annual inspection of institutions by joint legislative committee annually appointed, and annual report to Legislature. p.93, 15 Ag 04
- b** **Ky.** \$15,000 annual appropriation for Kentucky Children's Home Society; annual statement to auditor of public accounts. 7, 20 F 04
- c** **Md.** Amending '00 ch.316 §1 defining powers of juvenile institutions and societies: managers may discharge minors before majority, permit return to parents or relatives, or return them to institution after placing out. 77, 15 Mr 04
- d** **Mass.** City truant officers and town overseers of poor to search out dependent and neglected children under 16, provide temporary



## Deaf and dumb

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care, pending proceedings; payment of expenses by place of legal settlement, or on approval by State Board of Charity.

356, 20 My 04

- e N. J. Cities of 150,000 may provide annual excursions for children; expenditure limited to \$5000. 69, 28 Mr 04

- f N. Y. Children over 2 years of age not to remain in state's prison; commitment to asylum for children or to care of relatives.

547, 3 My 04

2174

### Crippled and deformed children

- a Mass. Providing for establishment of Massachusetts School and Home for Crippled and Deformed Children; organization and management; annual report of trustees to governor; provision for \$300,000 loan. 446, 8 Je 04

2182

### Placing out

- a Ia. Board of Control of State Institutions to appoint state agent for Soldiers' Orphans Home, Industrial School for Boys, and Industrial School for Girls; to place out and visit children in homes; indenture and adoption; reports to board. 157, 13 Ap 04
- b Mass. Board of trustees of Lyman and state industrial schools to bind out children in families or homes of same religious belief; proviso. Amending R. L. ch.86 §36. 363, 23 My 04

2184

## Deaf and dumb

- a Md. Compulsory education of deaf children: children 8 to 16 to attend school for deaf for 8 months, or during school year; exceptions; penalties. Adding §139-41 to C. art.77. 299, 7 Ap 04

2186

### State institutions

- a Ala. Amending C. §3700, '00 p.23 relative to Alabama School for the Deaf: 11 trustees of managing board to be *chosen by board* [formerly governor]; renewal; vacancies; procedure. p.45, 12 F 03
- b Ala. Trustees of State School for Deaf and State School of Negro Deaf and Blind on recommendation of principal may extend term of pupil to 14 [formerly 10] years of age. Amending C. §3704, 3723. p.47, 12 F 03
- c Ia. Amending C. §2724 relating to admission fee for nonresident pupils in School for Deaf at Council Bluffs. 108, 24 F 04
- d Ky. Changing name of Kentucky Institution for Education of Deaf Mutes to Kentucky School for Deaf. 42, 19 Mr 04
- e Miss. Appointing commission to select site near Jackson for state institution of deaf and dumb; cost limited to \$75,000; to contract for erection and furnishing of same, also to sell property occupied by white departments of former institution; report to Legislature of 1906. 108, 14 Mr 04



## ADMINISTRATIVE LAW CHARITIES

- f** N. D. Submitting amendment to Const. 1889 §215 subdiv.5: changing name of Deaf and Dumb Asylum to School for Deaf and Dumb of North Dakota. *Adopted November 1904.* p.295, 2 Mr 03
- g** O. Amending R. S. §664 increasing compensation of teachers and employees in Institution for Education of Deaf and Dumb. p.521, 18 Ap 04
- h** Va. Amending C. §1653, 1656, 1656a, 1657 relating to board of visitors of Virginia School for Deaf and Blind: partial renewal; vacancies; meetings; reports. 39, 27 F 04

2188

**Blind**

- a** Mass. Governor with consent of Council to appoint 3 commissioners to prepare register of adult blind from 20 to 60 years; to consider feasibility of establishing industrial schools; report to Legislature of 1905; \$5000. r.87, 23 My 04
- b** O. Provision for pensioning indigent blind: county may make quarterly payments limited to \$25; certificates to be issued by probate judge, and certification made to county commissioners; regulations. Repealing R. S. §1491a-b. p.392, 25 Ap 04
- c** R. I. State Board of Education to provide for instruction of adult blind in their homes; \$1500. r.11, 13 Ap 04

2191

**State institutions**

- a** Ala. Trustees of State School for Blind and of State School of Negro Deaf and Blind, on recommendation of principal, may extend term of pupil to 14 [formerly 10] years of age. Amending C. §3714, 3723. p.47, 12 F 03
- b** Ga. Provision for removal of Georgia Academy for Blind in Macon to suburbs of city; disposition of grounds and buildings, and purchase of other property authorized. p.89, 13 Ag 04
- c** Ia. Amending C. §2715 relating to admission for nonresidents in College for Blind at Vinton. 107, 24 F 04
- d** O. Amending R. S. §670 increasing compensation of officers and employees of Ohio State School for Blind. p.549, 3 My 04
- e** Va. Amending C. §1653, 1656, 1656a, 1657 relating to board of visitors of Virginia School for Deaf and Blind: partial renewal; vacancies; meetings; reports. 39, 27 F 04

2192

**Insane***See also* 60, State institutions; 446, Guardianship

2193

**General**

- a** Md. Dependent insane persons to be maintained by *state* [formerly county]; transfer from county and city almshouses to state hospitals after January 1909; commission designated to provide for additional state hospitals and report to Legislature by January 1906. Amending C. art. 59 §2. 421, 8 Ap 04



2194

**State boards and officers**

- a N. Y. Providing for examination of insane, idiotic, imbecile and epileptic immigrants at port of New York: State Board of Alienists created; port wardens of port of New York to aid in deportation.

326, 13 Ap 04

- b N. Y. Salary of president of State Lunacy Commission \$7500 [formerly \$5000]. Amending insanity law '96 ch.545 §3.

330, 13 Ap 04

2196

**Asylums**2198 **State asylums**

- a La. \$25,000 additional appropriation for equipment of Insane Asylum for Colored Persons at Alexandria established in 1902.

5, 15 D 03

- b La. Changing name of Insane Asylum for Colored Persons of State of Louisiana to *Louisiana Hospital for Insane* at Alexandria; *white and* colored patients to be received. Amending '02 ch.92 §1, 2, 8, 9, 15, 16.

143, 6 Jl 04

- c N. Y. Establishing State Reception Hospital for Insane in borough of Manhattan; State Lunacy Commission to approve site, lease lands and supervise plans and erection of buildings; \$300,000.

760, 14 My 04

- d O. Committee of 5 to be appointed by governor to consider location for state hospital for insane; report to Legislature of 1906.

p.651, 25 Ap 04

- e W. Va. Revision of '97 ch.7, '03 ch.32 relating to organization and management of West Virginia Asylum at Huntington.

23, 12 Ag 04

2199 **Institutional boards, officers and employees**

- a N. Y. Fixing salaries of certain officers and employees of state hospitals: salary advanced from minimum to maximum rate according to length of service. Amending §38 and adding §38a to insanity law '96 ch.545.

714, 11 My 04

2200 **County asylums and officers**

- a O. Commissioners of county owning or partly maintaining hospital for insane may levy annual  $\frac{1}{10}$  mill tax for support.

p.73, 7 Ap 04

- b O. Commissioners of county owning or partly maintaining hospital for insane may borrow money to \$150,000 for improvements; bond issue.

p.74, 7 Ap 04

- c O. Commissioners of county owning or partly maintaining hospital for insane may condemn land for use of same; procedure.

p.81, 8 Ap 04



## ADMINISTRATIVE LAW CHARITIES

1203-21

2203

## Support. Right of admission

- a Ia. Costs of care and commitment of insane to be borne by county of legal settlement; state to pay if no settlement within state. 78, 30 Mr 04

2205

## Inquest. Commitment. Discharge

- a Ala. Providing for maintenance of alleged insane pending investigation before probate judge of county. p.237, 17 S 03
- b Mass. State Board of Insanity may transfer and commit insane persons to State Hospital. 278, 30 Ap 04
- c Mass. Amending R. L. ch.87 §33, 47-48, 73, 118 relating to commitments of insane persons and respective fees. 459, 9 Je 04
- d N. Y. Amending insanity law '96 ch.545 §64 relative to costs of commitment. 428, 27 Ap 04
- e O. Common pleas judge may conduct investigation as to admission of insane to state asylums, when probate judge absent or incapacitated. p.164, 22 Ap 04
- f O. Amending R. S. §719 as to certain fees in insanity inquests. p.296, 23 Ap 04
- g Va. Insane person may be committed to private sanatorium for 4 months without expense to state, county or city. Amending C. §1670. 240, 15 Mr 04

## 2206 Transportation. Transfer

- a Ia. Providing for payment of expenses incurred in returning patients escaped from hospitals for insane. Amending C. §2287. 79, 15 Mr 04

2207

## Discharge. Parole. Recommitment

- a O. Amending R. S. §709 relative to discharge of patients from *state hospital* [formerly asylum] for insane. p.52, 25 Mr 04

2210

## Epileptics

## 2213 State asylums and colonies

- a N. Y. Conferring on superintendent of Craig Colony for Epileptics power to regulate autopsies; provisos. Adding subdiv.11 to state charities law '96 ch.546 §107. 545, 3 My 04
- b W. Va. Revision of '97 ch.7, '03 ch.32 relating to organization and management of West Virginia Asylum at Huntington. 23, 12 Ag 04

2215

## Feeble-minded

## 2218 State institutions

- a N. Y. Rome State Custodial Asylum to receive, maintain and treat *custodial class of feeble-minded persons and idiots* [formerly unteachable idiots]; superintendent to be appointed by board of managers on civil service examination and diploma from medical



college with 3 years experience with defective classes, epileptic or insane persons. Amending state charities law '96 ch.546 art.6.

462, 28 Ap 04

- b N. D. Submitting amendment to Const. 1889 §215 subdiv.8: Institution for Feeble-minded to be removed from Jamestown to Grafton. *Adopted November 1904.* p.294, 5 Mr 03

- c W. Va. Revision of '97 ch.7, '03 ch.32 relating to organization and management of West Virginia Asylum at Huntington.

23, 12 Ag 04

2220

## Education. Science. Culture

*See also 2184, Deaf and dumb; 2188, Blind*

2222

## Elementary and secondary education

2223

### General systems. Codes

- a Ala. Municipal corporations may purchase school property on unanimous consent of local authorities, approved by mayor and two thirds vote of electors; also may levy tax to maintain schools limited to 2½ mills, total tax not exceeding 5 mills. p.398, 6 O 03

- b Ky. Providing for establishment of graded schools in common school districts bordering on county lines. 36, 18 Mr 04

- c La. Generally amending '02 ch.214 relating to public schools.

167, 6 Jl 04

- d Md. Generally amending C. art.77 relating to public education: reorganization of State Board of Education; district school trustees; county school commissioners; district libraries; normal school departments receiving state aid to report annually to state board.

584, 12 Ap 04

- e Mass. School committees may expend money to exhibit work of public schools at national, state or foreign expositions.

172, 22 Mr 04

- f N. J. Establishing general school system. 36, 26 Mr 02. *Unconstitutional.* Classification special; special legislation. *Ricio v. Mayor of Hoboken*, 55 A. 1109 (1903).

- g N. J. General school law. 91p. 1 (ex. sess.), 19 O 03

- h N. Y. Amending consolidated school law '94 ch.556 t.8 §42 extending to school districts of 5000 established under special statutes certain rights of union free school districts. 427, 27 Ap 04

- i O. Generally amending school law R. S. t.3 ch.1-13. 47p.

p.334, 25 Ap 04

- j Va. Revision of C. ch.66 relating to public schools for counties and to literary fund. 509 (ex. sess.), 28 D 03

- k Va. Generally amending C. ch.67 relative to public schools in cities and towns constituting separate school district. Repealing §1532, 1535-37, 1539, 1540.

512 (ex. sess.), 31 D 03; 519 (ex. sess.), 31 D 03



- m** Va. Miscellaneous amendments to C. ch.66 relating to public free schools for counties and to literary fund. 101, 11 Mr 04

**2224 Meetings. Elections. Suffrage**

**2225 General**

- a** Ala. Annual school meeting of township trustees to be held on *1st Monday in September* [formerly last Monday in October]; teachers to be elected at meeting. Amending C. §3562. p.151, 4 Mr 03

**2227 Districts. Formation. Division. Consolidation**

*See also 2272, Consolidation of schools*

- a** Ala. Providing for election of trustees and management of school districts when new counties created or county lines changed. p.264, 26 S 03
- b** Ala. Provision for redistricting public schools: township lines abolished; county redistricting boards created; establishment of districts; district and county boards of trustees; county boards of education; apportionment. p.289, 30 S 03

**2228 Officers. Boards**

**2229 State**

- a** La. Submitting amendment to Const. 1898 art.249: salary of superintendent of public education, \$3000 [formerly \$2000]. *Rejected November 1904.* 123, 6 Jl 04
- b** Mass. Amending R. L. ch.39 §2 and repealing §3, 4, 9, 12-16 relating to State Board of Education: total expenses for salaries of secretary, and employees of board limited to \$20,000 and traveling expenses to \$3000 annually. 234, 13 Ap 04
- c** N. Y. Consolidating Department of Public Instruction and University of the State of New York: office of state superintendent of public instruction and secretary of University abolished and state commissioner of education created; Board of Regents reorganized. 40, 8 Mr 04
- d** Va. Repealing '03 ch.254 (ex. sess.) relating to organization of State Board of Education. 520 (ex. sess.), 31 D 03

**2230 County**

- a** Ia. Amending C. §2738 as to annual financial report of normal institute by county superintendent of schools. 113, 13 Ap 04
- b** Miss. County superintendents of education to receive \$500-\$800 [formerly \$150-\$600] salary. Amending Ann. C. '92 §3983. 165, 18 Mr 04
- c** Miss. County superintendent of education may appoint deputy in case of sickness; qualifications; salary. 106, 22 Mr 04
- d** Mon. Prescribing qualifications for county superintendent of schools. P. C. §1744. *Unconstitutional* in so far as it requires



teacher's certificate of highest county grade. Legislature can not prescribe for constitutional offices additional qualifications to those imposed by Constitution. *State v. Acton*, 77 P. 299 (1904).

- e **Va.** Repealing C. §208 which required certificates of election to be sent to county boards of school commissioners on election by Legislature. 458 (ex. sess.), 17 D 03

**2231 District, township and municipal**

- a **Ky.** Board of trustees of graded common school to consist of 5 [formerly 6] members. Amending '93 ch.260 §105. 37, 18 Mr 04
- b **Ky.** Amending '93 ch.222 §238 as to salary of secretary of board of education in cities of 3d class. 91, 22 Mr 04
- c **Mass.** Members of school committees ineligible to position of teacher or superintendent of schools in same locality. 173, 22 Mr 04
- d **Mass.** State Board of Education to fix qualifications of superintendent of public schools in superintendency unions receiving state aid; proviso. 215, 9 Ap 04
- e **N. J.** Amending '03 §78 (ex. sess.) relative to district boards of education: number of trustees may be reduced to 5 or 3; procedure; board of trustees in new township. 28, 14 Mr 04
- f **R. I.** Towns uniting to employ superintendent of schools to receive state aid equal to amount raised by union; repealing provision which restricted state aid to union with less than 40 schools. Amending '03 ch.1101 §3-5. 1147, 23 Mr 04
- g **S. C.** Minor amendment to '03 ch.30 relating to election of trustees in school district under 5000. 295, 8 Mr 04

**2232**

**Buildings. Grounds**

**2233 Construction. Sites. General**

- a **Ia.** Independent school districts in cities or towns of 2000-3000 may incur indebtedness for schoolhouse purposes limited to 2½% of taxable property in district; procedure. 114, 30 Mr 04
- b **Miss.** County supervisors and trustees of separate school districts may apply school fund balances to improving school buildings, not exceeding \$150 [formerly \$25] to each school. Amending '96 ch.112. 121, 11 Mr 04
- c **N. J.** Amending '03 ch.1 §76 (ex. sess.) as to issue of school bonds for purchase of lands, erection and improvement of school district buildings; sale of bonds. 40, 16 Mr 04
- d **N. J.** Repealing '03 ch.74 which authorized municipalities and school districts to raise money for school lands and buildings. 111, 28 Mr 04
- e **N. J.** Cities of 12,000 to 150,000 may convey portion of municipal lands not exceeding one third, to school board for public school purposes. 140, 28 Mr 04



**f N. Y.** Schoolhouses to be erected in incorporated village, school district or city under 50,000, costing \$500, to be approved by state commissioner of education as to ventilation and fire protection. Amending consolidated school law '94 ch.556 §17. 281, 13 Ap 04

**g N. Y.** Amending consolidated school law '94 ch.556 t.9 §2 relative to acquisition of schoolhouse sites. 305, 13 Ap 04

237

**General school finance**

For finance of state educational institutions, *see* 2332

239

**State and local**240 **Funds. Lands. Taxes**

*See also* 773. Public lands

**a Ala.** Providing for sale of 16th section school lands containing minerals. p.245, 22 S 03

**b Ky.** Amending '93 ch.241 §9 subdiv.2, 96 as to levy of additional school tax of 1½ mills; proviso. 112, 24 Mr 04

**c La.** Submitting amendment to Const. 1898 art. 46: Legislature elected in April 1904 authorized to issue \$1,000,000 of 3%, 25 year bonds for educational purposes; exemption from taxation. *Rejected November 1904.* 33, 23 Je 04

**d La.** Providing for \$1,000,000 bond issue for educational purposes, and disposition of funds, on adoption of amendment to Const. 1898 art.46 in November 1904. 37, 24 Je 04

**e La.** Amending '98 ch.170 §90 as to rate of annual levy for school purposes. 63, 29 Je 04

**f La.** State and parish boards of education may accept and administer donations for educational or literary purposes; procedure. 158, 5 Jl 04

**g Miss.** County supervisors may lease *for 3 years* school lands for turpentine or *pasturage* purposes, or sell *timber* [formerly pine] thereon. Amending '98 ch.41 §1. 124, 18 Mr 04

**h N. J.** Amending '03 ch.187 relative to transfer of lands and mortgages held by state sinking fund for support of public schools. 104, 28 Mr 04

**i N. Y.** Repealing consolidated school law '94 ch.556 t.2 §1, 2 which provided for state school tax and apportionment of school moneys. 390, 26 Ap 04

**j Va.** Verbal amendment to C. §1421 relating to bequests and gifts made to State Board of Education for educational purposes. 475 (ex. sess.), 18 D 03

**k Va.** Repealing C. §1513 relating to payment of arrearages of state school funds. 520 (ex. sess.), 31 D 03

**m W. Va.** Amending C. ch.105 §4, 14 relating to county commissioner of school lands: term 4 years; annual report to auditor. 18, 12 Ag 04



- n **W. Va.** Amending C. ch.45 §38, 40, 45, 60, 62 relating to school funds and tax levies. 19, 15 Ag 04

2241 Investment of funds

- a **Mass.** Providing for permanent investment of technical education fund, commonwealth grant. 174, 22 Mr 04
- b **Minn.** Submitting amendment to Const. 1857 art.8 §6: permanent school and university funds may be invested in indebtedness of localities unless bonds purchased make bonded indebtedness exceed 15% [formerly 7%] of assessed valuation. *Adopted November 1904.* 25, 3 Mr 03
- c **S. D.** Submitting amendment to Const. 1889 art.8 §11: school funds may be invested in county, township or city bonds; no loan to exceed \$5000 or *one third* [formerly one half] valuation of land covered by mortgage; interest charge not less than 5% to be fixed by Legislature. *Adopted November 1904.* 99, '03

2242 Apportionment

- a **Ky.** Amending '02 ch.63 §2 relating to distribution of school fund. 28, 12 Mr 04
- b **Mass.** State school fund: no apportionment to towns not complying with school law; fund not to be used for expenses of school committees. 107, 24 F 04
- c **Miss.** Amending Const. 1890 §206: division into county and state common school funds; county fund, consisting of poll tax to be retained in county where collected; *state* [formerly entire] fund to be apportioned among counties and school districts proportionally to children of school age. *Adopted November 1900; ratified by Legislature of 1904.* 201, 6 Mr 00
- d **N. Y.** School moneys to be paid to county treasurers and city chamberlain of New York *between April 1 and May 15.* Amending consolidated school law '94 ch.556 t.2 §12. 166, 28 Mr 04
- e **N. Y.** State commissioner of education to apportion education fund and certify to comptroller for distribution and payment; [formerly distributed by superintendent of public instruction and University of the State of New York]. Amending state finance law '97 ch.413 §80. 225, 4 Ap 04
- f **N. Y.** School district maintaining home school of 12 pupils to receive teacher's quota additional to district quota. Amending consolidated school law '94 ch.556 t.15 §14. 322, 13 Ap 04

2243 County, district and municipal

2244 General. Accounts. Miscellaneous regulations

- a **Ala.** Providing for county election on question of special school tax; procedure. p.350, 1 O 03



## ADMINISTRATIVE LAW EDUCATION

- b** Fla. Amending Const. 1885 art.12 §8: counties to levy annual school tax of 3 to 7 [formerly 5] mills. *Adopted November 1904.*

p.637, 13 My 03

- c** Ga. Amending Const. 1877 art.8 §4 ¶1: counties [formerly on recommendation of 2 grand juries], *militia districts, school districts* and municipal corporations may maintain public schools by local taxation, on two thirds vote *of persons voting at special election* [formerly of qualified voters]. *Adopted October 1904.*

p.23, 17 Ag 03

- d** Miss. County supervisors may pay school teachers in certain cases of deficit in school funds.

105, 14 F 04

- e** Miss. County superintendents may defer or alter contracts with teachers on information as to amount of county appropriation to be received from common school fund. Amending Ann. C. '92 §4035.

167, 3 Mr 04

- f** N. J. District board of education, when district contains more than 1 municipality, may designate custodian of district school moneys. Amending '03 ch.1 §185 (ex. sess.)

188, 29 Mr 04

**2245 Debts**

- a** N. J. School districts may issue bonds to pay indebtedness; bonds to be lien on property of district and of inhabitants. Supplementing '03 ch.1 (ex. sess.).

110, 28 Mr 04

- b** N. J. Bonds issued by consolidated school districts to be lien on inhabitants and property of municipalities comprising such district. Supplementing '03 ch.1 (ex. sess.).

139, 28 Mr 04

- c** Va. County supervisors may levy special tax on school district property to pay interest and principal on district bonds.

599 (ex. sess.), 12 Ja 04

**2246****Negroes**

- a** Ky. Proceeds of county seminary property vested in common school district to be used for schools for *white* [formerly all] pupils. Amending '96 ch.14 §1.

31, 17 Mr 04

- b** Ky. Cities of 4th class may separate system of graded schools into schools for white and colored pupils; regulations.

53, 21 Mr 04

- c** Ky. Prohibiting white and colored persons from attending same school; \$1000 fine for operating school, college or institution, or for teaching therein.

85, 22 Mr 04

**2247****Teachers****2250 Teachers associations**

- a** Mass. County teachers associations to receive from state \$50 [formerly \$25] for each annual meeting in interest of schools; regulations. Amending R. L. ch.40 §4.

383, 27 My 04



## Teachers

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### 2252 Employment. Pay. Pensions

#### 2254 Salaries

- a Ala. County superintendents of education to pay school teachers *monthly* [formerly quarterly]; regulations. Amending C. §3610, 3612. p.153, 24 Mr 03
- b Miss. Salary of 1st grade public school teacher, \$25 to \$65 [formerly \$55] a month. Amending Ann. C. '92 §4031. 166, 22 Mr 04

### 2256 Qualifications. Examinations. Certificates

#### 2258 Examinations and certificates. General

- a Ala. Amending '99 p.217 §16 as to teachers certificates: repealing provision which related to regranting of 3d grade certificates. p.309, 30 S 03
- b Ala. State superintendent of education may hold special examinations for teachers in May and October at state normal schools; costs to be met by applicants. p.396, 6 O 03
- c Ala. Amending '99 p.217 §19 as to duties of secretary of State Board of Examiners. p.491, 9 O 03
- d Miss. Amending '02 ch.110 as to time for examination of public school teachers. 135, 22 Mr 04
- e Va. Repealing C. §1440 relating to duties of county superintendent of schools as to examination of teachers. 520 (ex. sess.), 31 D 03

### 2263 Institutes

#### 2265 Summer schools

- a Ala. Establishing Summer School for Teachers at State University; free tuition to state teachers; examinations by State Board of Examiners; \$5000 annual appropriation, on local subscription of \$2500; quadrennial report to Legislature. p.307, 1 O 03

### 2266 Normal schools

- a Ala. Governor and state superintendent of education made trustees of Alabama Normal College at Livingston. p.427, 9 O 03
- b Ga. Reorganizing managing board of State Normal School at Athens. Amending '91 p.126 §3-5, 7-9. p.86, 15 Ag 04
- c O. Trustees of township in which normal school is situated may levy annual tax limited to 2 mills to aid school, on submission of question to popular vote. p.389, 25 Ap 04
- cr S. C. \$100 [formerly \$44] scholarships in Winthrop Normal College may be assigned subject to competitive examination: *applicant to prove his financial inability to attend college*. 268, 25 F 04
- d Va. Amending C. §1613 subdiv.2 as to board of visitors of Virginia Normal and Industrial Institute; partial renewal. 332 (ex. sess.), 28 N 03



**Va.** Providing for appointment of board of trustees of State Female Normal School at Farmville by system of *partial renewal*. Amending C. §1608. 528 (ex. sess.), 31 D 03

**Va.** Special joint commission to be appointed to consider advisability of establishing additional state female normal school; report to Legislature. 583 (ex. sess.), 11 Ja 04

**Va.** Amending C. §1613 subdiv.11 as to funds of Virginia Normal and Industrial Institute: board of visitors to designate banks of deposit [formerly from among state depositories].

588 (ex. sess.), 11 Ja 04

## Attendance

### Compulsory attendance. Truancy

*See also 2118, Employment (children)*

**Ia.** Amending C. §2823a, 2823e relating to compulsory education: children 7 to 14 to attend school 16 [formerly 12] consecutive weeks each school year from 1st week of school; board of directors of school corporations of 20,000 shall [formerly may] appoint truant officers. 116, 6 Ap 04

**Ky.** Compulsory school attendance in 1st, 2d, 3d and 4th class cities of children 7 to 14 either in public school or private school with 5 months session; exceptions; city board of education to appoint annually 1 truant officer for each 3000 pupils; powers and duties; fines. 94, 22 Mr 04

**Md.** Compulsory education of deaf children: children 8 to 16 to attend school for deaf for 8 months, or during school year; exceptions; penalties. Adding §139-41 to C. art.77. 299, 7 Ap 04

**Mass.** Boy may be committed to county truant school as habitual truant, absentee or school offender till 16 years; [formerly commitment not to exceed 2 years]. Amending R. L. ch.46 §3, 4, 5, 8. 220, 9 Ap 04

**Mass.** State Board of Education to investigate feasibility of increasing age of compulsory school attendance to 15 years.

1.80, 20 My 04

**N. Y.** Compulsory education law for Indian children on reservations. Repealing '00 ch.183, '01 ch.188 relating to Allegany, Cattaraugus and Onondaga reservations. 424, 27 Ap 04

### School year, month, day

**Ky.** Schools must maintain 6 [formerly 5] months session to receive apportionment of school fund. Amending '93 ch.260 art.1 §2. 17. 4 Mr 04

### Textbooks. Curriculum. General

#### Free textbooks

**Mo.** Amending Const. 1875 art.10 by adding §27: annual tax of ½ mill to be levied to supply schools with free textbooks. *Rejected* November 1904. p.281, '03



## Higher education

2284-2336

### N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

2284

#### Uniformity

- a **Ala.** Providing for adoption of uniform series of school textbooks : creating State Text Book Commission; appointment of examining committee; 5 year contracts to be awarded; state depositories and county agencies; \$2000. p.167, 4 Mr 03
- b **Ky.** Creating State School Book Commission : to adopt uniform series of textbooks and make 5 year contract for same; county schoolbook commission to serve as examining committee; depositories; \$1000. 14p. 3, 8 F 04
- c **Miss.** Creating State Textbook Commission : to adopt uniform series of textbooks, and make 5 year contracts for same; contractor to furnish depositories. 86, 19 Mr 04

2287

#### Branches. Courses

2304

#### Music

- a **Ia.** Contingent school funds may be used to supply books for teaching vocal music, not to exceed \$25 for each school. Amending C. §2783. 115, 24 F 04

2330

## Higher education

2332

#### State institutions (general)

- a **Ga.** State educational institutions to include in annual report and catalogue occupation of parents of students, also of graduates. p.762, 13 Ag 04
- b **Ia.** State University, State College of Agriculture and Mechanic Arts, State Normal School to report biennially to Legislature; contents of reports. 104, 13 Ap 04
- c **Ia.** Joint legislative committee of 6 members to consider advisability of changing present system of management of state educational institutions; report to Legislature of 1906; \$1200. p.211, 12 Ap 04

2335 **Admission. Scholarships. Tuition**

- a **S. C.** Creating 124 scholarships in Agricultural College; 4 years; \$100 annually. 290, 25 F 04

2336

#### State universities. Colleges

- a **Ala.** Providing for management of University of Alabama, and appointment of board of trustees according to Const. 1901 §264; quadrennial report to Legislature. p.109, 3 Mr 03
- b **La.** Submitting amendment to Const. 1898 art.255 relating to Louisiana State University and Agricultural and Mechanical College; repealing provision limiting annual appropriation for maintenance to \$15,000. *Adopted November 1904.* 12, 17 Je 04



- La.** Amending '77 ch.145 §16 authorizing Louisiana State University and Agricultural and Mechanical College to sell lands in respective counties severally owned prior to union in 1877; *proceeds to be used for support of institution.* 169, 6 Jl 04
- Miss.** Repealing Ann. C. '92 §4446, and amending '96 ch.116 relating to governing board of State University : to consist of 16 [formerly 15] trustees. 122, 10 Mr 04
- O.** Library of Ohio State University made depository for library of State Geological Survey; regulations. p.649, 25 Ap 04

6(5)

**Local institutions**

- O.** Boards of directors of municipal universities, colleges and educational institutions may accept educational trusts; application of funds; trusteeship to vest in city; board of education to control trust funds [formerly law applied only to University of Cincinnati and University of Toledo]. Amending R. S. §4095-97, 4099-4105. p.541, 3 My 04

7

**Private institutions**

*See also* 582, Corporations not for profit; 812, Exemptions from general property tax

- Ala.** Institutions chartered by Legislature with power to grant diplomas and degrees may change name and amend charter; conditions; procedure. p.343, 1 O 03

2

**Professional and technical education**

For examination and licensing *see* 591, Practice of law; 944, Medicine; 948, Dentistry; 949, Pharmacy; 1588, Veterinary practice. *See also* 2266, Normal schools

4

**Agricultural schools**

*See also* 1828, Agricultural experiment stations

- Ala.** Amending C. §405, 407 relating to Board of Control of Branch Agricultural Experiment Stations and Schools; membership of board. p.259, 30 S 03
- Ala.** Requiring agriculture to be taught in public schools; cities of 500 excepted; examination in subject required for teacher's license. p.537, 10 O 03
- Ky.** \$15,000 annual appropriation for Agricultural and Mechanical College of Kentucky. 126, 26 Mr 04
- Md.** Amending '88 ch.326 §4 relating to board of trustees of Maryland Agricultural College. 537, 8 Ap 04
- Mass.** 3500 [formerly 5000] copies of annual report of Massachusetts Agricultural College to be published. Amending R. L. ch.9 §7 line 120-27. 388, 31 My 04
- N. Y.** Establishing New York State College of Agriculture at Cornell University on conveyance of lands by university; \$250,000. 655, 9 My 04



## **Libraries**

**2344-54**

### **N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904**

- g** Va. Amending C. §1591 relating to appointment of board of visitors of Virginia Agricultural and Mechanical College.

497 (ex. sess.), 26 D 03

**2348(5**

#### **Military**

- a** Va. Amending C. §1565, 1574, 1581-82 as to powers of board of visitors of Virginia Military Institute. Repealing C. §1569, 1576, 1579-80.

413 (ex. sess.), 10 D 03

**2350**

#### **Technical and manual training**

- a** Ala. \$10,000 additional annual appropriation for maintenance of Alabama Girls Industrial School.

p.135, 4 Mr 03

- b** Ky. \$15,000 annual appropriation for Agricultural and Mechanical College of Kentucky.

120, 26 Mr 04

- c** La. Submitting amendment to Const. 1898 art.256: repealing provision limiting annual appropriation for maintenance of Louisiana Industrial Institute to \$15,000. *Rejected November 1904.*

18, 17 Je 04

- d** Mass. Textile schools receiving state aid to report annually to Legislature.

248, 22 Ap 04

- e** Va. Amending C. §1591 relating to appointment of board of visitors of Virginia Agricultural and Mechanical College.

497 (ex. sess.), 26 D 03

- f** Va. Amending C. §1613 subdiv.11, as to funds of Virginia Normal and Industrial Institute: board of vistors to designate banks of deposit [formerly from among state depositories].

588 (ex. sess.), 11 Ja 04

**2352**

## **Libraries**

BY WILLIAM F. YUST

- a** Va. Revision of C. ch.18 relating to duties of secretary of commonwealth and concerning state and other libraries. Repealing '03 ch.253, ch.261 (ex. sess).

547 (ex. sess.), 2 Ja 04

- b** Va. Amending C. §249, 253-55, 258-60 relating to State Library: separation of law library of Supreme Court of Appeals from State Library; library board may establish traveling library exchanges; hours of opening; use of library

53, 8 Mr 04

**2354**

#### **State libraries**

- a** Ga. Salary of assistant state librarian, \$1200 [formerly \$800]. Amending C. §150.

p.50, 16 Jl 04

- b** Ky. Term of state librarian, 4 [formerly 2] years; salary \$1200 [formerly \$1000]. Amending '93 ch.262 §7.

10, 27 F 04

- c** O. \$5000 appropriation to provide additional rooms for state library; governor, adjutant general and president of board of library commissioners to supervise work.

p.641, 24 Mr 04; p.515, 27 Ap 04



## ADMINISTRATIVE LAW EDUCATION

- e Va.** Providing for protection of property of State Library against mutilation and theft; misdemeanor not to return a book within two weeks after notice. 21, 19 F 04

1355

**Public documents***See also* Distribution of public documents

- a R. I.** State librarian to distribute all public documents to libraries; exception. 1148, 24 Mr 04

1356

**Free public libraries**

1357

**State aid and supervision. Traveling libraries**

- a N. J.** Amending '98 ch.175 transferring management of traveling libraries from Board of Commissioners of State Library to Public Library Commission. 23, 7 Mr 04

1358

**Establishment. Support. Government**

- a Ga.** Funds appropriated by city for public library to be expended by *library board of trustees elected by city council* [formerly by city school board]. Amending '01 p.52. p.90, 15 Ag 04
- b Ia.** City and college or university therein may jointly establish public library; selection of library treasurer. Amending C. §728, 730. 24, 13 Ap 04
- c Ia.** Municipality exacting mulct tax may appropriate 20% in addition to regular tax to support free public libraries. Amending C. §732. 25, 13 Ap 04
- d Ia.** Cities and towns establishing free public library may levy tax of 2 mills and additional tax of 3 mills for certain purposes. Amending C. §894 subdiv.4. 38, 13 Ap 04
- e O.** Township trustees may levy annual tax of 1 [formerly  $\frac{1}{10}$  mill] for public library. Amending R. S. §1476. p.26, 3 Mr 04
- f O.** Women, not exceeding 3, may serve on board of public library trustees. Amending '02 p.20 §218 (ex. sess.). p.34, 15 Mr 04

1359

**Law libraries**

- a Mass.** Incorporated law libraries to receive same public documents as county law libraries; additional copy for each branch. 209, 9 Ap 04
- b O.** Providing for printing and distribution of catalogue of 1904 of Supreme Court law library. p.634, 16 F 04
- c O.** Amending R. S. §1536 subdiv.935-36 relating to law libraries : county to provide suitable room in courthouse for library; salary of librarian limited to \$500 in certain counties. p.72, 7 Ap 04

1360

**School libraries**

- a N. Y.** Providing for establishment and extension of school libraries : city and school district to raise amount equal to state appropriation; state commissioner of education to prescribe expenditure; purchase of books; \$45,000 additional appropriation. 668, 9 My 04



**N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904**

- b** O. Municipalities may transfer property to trustees of public library for school district libraries. p.133, 21 Ap 04
- c** S. C. School libraries: county and state boards of education to add \$10 to each \$10 private subscription; books selected by local board from list by state board; exchange of libraries; appropriation limited to 12 schools in county; \$5000. 207, 18 F 04

**2361 Private library associations**

- a** Ala. Incorporated library associations to have 3 to 9 trustees. Amending C. §1302. p.41, 6 F 03; p.241, 18 S 03
- b** Ky. Corporations incorporated to maintain free libraries may transfer same to city or town. Amending '92 ch.14 §4. 86, 22 Mr 04

**2362 History. Records. Memorials****2363 State boards and officers**

- a** Md. Creating Public Records Commission: term 2 years; to investigate condition and completeness of public records; \$1000 annual appropriation; report to Legislature. 282, 7 Ap 04
- b** Mass. 2500 [formerly 3000] copies of annual report of commissioner of public records. Amending R. L. ch.9 §7 line 104-5. 410, 3 Je 04

**2364 Anniversary celebrations**

- a** N. J. Cities under general city government law may appropriate sum not exceeding \$30,000 for semicentennial celebration; bond issue. 17, 2 Mr 04
- b** O. Providing for publication of proceedings of Ohio centennial at Chillicothe; distribution. p.653, 22 Ap 04

**2365 Archives. Records. Colonial laws**

- a** Md. Provision for adding to state archives, Maryland Calendar of Wills, 1635-1777; distribution. 404, 7 Ap 04
- b** Md. Provision for adding to state archives Riley's History of General Assembly of Maryland, 1637-1904; distribution. 622, 12 Ap 04
- c** O. Amending '02 p.597 relating to publication of Biographical Annals of Ohio. p521, 19 Ap 04
- d** R. I. \$2000 for purchase of 300 copies of volume 2, containing record of early deaths in Rhode Island compiled from newspapers; distribution by secretary of state. r.20, 12 Ap 04

**2366 Historical societies**

- a** Ia. \$7500 [formerly \$1000] annual appropriation for permanent support of State Historical Society of Iowa. Amending C. §2822. 117, 9 Ap 04
- b** Md. Relating to sale and exchange of publications of Maryland Historical Society. 41, 9 Mr 04



- c O.** Providing for republication of annual volumes of Ohio State Archeological and Historical Society; distribution. p.648, 25 Ap 04

**167 Museums**

- a Ia.** \$200,000 for completion of state historical, memorial and art building; Executive Council to supervise work. 163, 2 Ap 04

**369 Scenic and historic places**

*See also 2370, Memorials*

- a Ala.** Placing monument at Fort Louis de la Mobile in custody of director of Department of Archives and History. p.74, 26 F 03
- b Md.** Designating committee of 4 members to prepare plan for rebuilding Fort Frederick; report to Legislature of 1906; \$50. p.1273, '04
- c N. Y.** Commissioners of Land Office on recommendation of American Scenic and Historic Preservation Society to acquire site of Fort Brewerton; \$2000. 653, 9 My 04
- d O.** Associations incorporated to preserve battlefields, memorial sites, or places set apart for burial of soldiers may condemn property, improve same and prescribe regulations for use by public. p.97, 19 Ap 04

**370 Memorials. Monuments**

- a O.** Cemetery associations may sell lands for site of public monuments; exemption from mortgage or sale for debt. Adding §3575a, 3578a to R. S. p.66, 1 Ap 04

**1372 Grave markers**

- a N. Y.** Amending '02 ch.206 §2 as to erection of new headstones on removal of soldiers remains. 506, 29 Ap 04
- b O.** County commissioners on petition of township or municipalities to procure metal markers for veterans of Revolutionary War. Amending '00 p.228. p.252, 23 Ap 04

**1373 Medals**

- a Mass.** Commission appointed in 1902 to prepare testimonials for Spanish war veterans *and heirs* of those dying in service. Amending '02 r.68. r.37, 11 Ap 04
- b N. J.** Governor to have prepared New Jersey Civil War veteran medal to be presented to survivors of officers and men enlisting during Civil War. p.512, 28 Mr 04

**1376 Memorials on battlefields. Soldiers monuments**

- a Ia.** Commission of veterans to be appointed by governor to erect monument commemorative of soldiers who suffered and died at Andersonville; annual report to governor; \$10,000. 166, 9 Ap 04
- b La.** Amending '02 ch.76 §1 as to membership of Vicksburg commission. 161, 5 Jl 04



- c N. J. \$5000 for erection of monument to 9th regiment of New Jersey volunteer infantry buried in National cemetery at Newbern N. C. 56, 22 Mr 04
- d N. J. Governor to appoint 3 commissioners to erect tablets or monuments on revolutionary battle grounds at Elizabethtown, Connecticut Farms and Springfield; \$5000. 93, 28 Mr 04
- e N. Y. Providing for erection of monument to martyrs who perished in New York harbor in prison ships of Revolution: designating committee to supervise expenditure; \$25,000. on receipt of United States appropriation of \$175,000. 634, 9 My 04
- f N. Y. *American Scenic and Historic Preservation Society* [formerly Society for Preservation of Scenic and Historic Places and Objects] to continue improvement and maintenance of Stony Point peninsula; appropriation. 641, 9 My 04
- g N. Y. Commission on Battlefield Monuments of Gettysburg and Chattanooga appointed in 1895 to erect monument to 51st regiment of New York state volunteers at Antietam; \$1500. 662, 9 My 04
- h N. Y. Commission on Battlefield Monuments at Gettysburg and Chattanooga to erect monument at Manassas Plains to 5th regiment of volunteer infantry; \$1500. 673, 9 My 04
- i O. Commission of 3 members to be appointed by governor to erect soldiers monument at Fort Meigs; \$25,000. p.651, 25 Ap 04
- j O. County commissioners to care for burial grounds and monuments for veterans. p.434, 26 Ap 04
- k S. C. Designating commission of 3 members to direct repairing of monument on battlefield at Chickamauga; \$2500. 368, 22 F 04
- m S. C. \$500 appropriation to aid Daughters of American Revolution in erection of monument at capitol to partizan generals of the Revolution. 404, 8 Mr 04
- n Va. Circuit Court or county supervisors may permit erection of Confederate monument at county seat. 29, 19 F 04

### Memorials to individuals

- a Ala. Providing for erection of statue to Dr J. L. M. Curry in National Statuary Hall at Washington. p.254, 29 S 03
- b Ga. Joint legislative committee to be appointed to purchase portrait of Gen. J. B. Gordon to be placed in capitol; \$500. p.732, 13 Ag 04
- c Ky. Appointing commission to erect statue to Gov. William Goebel; \$20,000. 118, 25 Mr 04
- d Md. Board of Public Works to erect monument to Gov. T. G. Pratt in Annapolis, also portrait in executive chamber; \$1000. 127, 22 Mr 04



- e **Mass.** Governor with consent of Council may appoint committee of 3 members to consider erection of memorials to John Adams, John Quincy Adams and John Hancock; report to Legislature of 1905. r.109, 8 Je 04
- f **N. J.** \$1000 for erection of monument at Hackensack to Enoch Poor, revolutionary soldier. 20, 7 Mr 04
- g **N. J.** \$400 for portrait of Gov. George C. Ludlow. p.504, 22 Mr 04
- h **N. J.** Designating commission to decide on purchase of portraits of New Jersey signers of Declaration of Independence; \$1250. p.505, 24 Mr 04
- i **N. J.** Designating committee to purchase portraits of governor and ex-governors; \$2000. p.506, 28 Mr 04
- j **N. J.** \$550 for portrait of Chief Justice Mercer Beasley. p.510, 28 Mr 04
- k **O.** Governor to appoint commission of 3 members to erect monument to Gen. P. H. Sheridan at Somerset; commission to act under supervision of governor; \$10,000. p.510, 27 Ap 04
- m **O.** Designating commission to erect monument to William H. Gibson; \$10,000 appropriation on subscription of \$8000 by citizens. p.645, 31 Mr 04
- n **R. I.** Designating committee of 3 members to erect monument to Maj. Gen. Frank Wheaton of Civil War; \$1300. r.26, 30 Mr 04
- p **Va.** Authorizing erection of statue to Gov. W. Smith at Richmond. 74, 7 Mr 04
- q **Va.** Designating commission to remove statue of Washington from capitol to place of safety; \$1000. 224, 15 Mr 04

1379

**War records**

- a **Va.** Providing for collection of muster rolls and military records of confederate officers and enlisted men; creating office of secretary of Virginia military records; transfer of records to United States War Department. 70, 7 Mr 04

1380

**Scientific work. Art**

1384

**Geology. Topography**

- a **Ky.** Provision for resuming geologic, topographic and agricultural survey of state: curator of State Geological Department to direct survey; appointment of assistants; cooperation with United States Topographic Survey; bulletins; annual report to governor; \$15,000 annual appropriation. 19, 5 Mr 04
- b **O.** Providing for publication of 2500 copies of report of Ohio Cooperative Topographic Survey; distribution. p.644, 25 Mr 04



2385

**Museums**

- a Va. Commissioner of agriculture may collect natural history specimens and ship out of state to be mounted or for state exhibition. 445 (ex. sess.), 12 D 03

2386

**Art**

- a O. County commissioners may grant use of land in parks for sites of art buildings and for art purposes. p.293, 23 Ap 04

2388

**Military regulations**

*See also 2362, History, records, memorials*

2390

**Militia. National guard**

2391 **General and miscellaneous**

- a Ala. Amending '99 p.136 §2, 12, 15 relating to National Guard: staff of commander in chief; commissioning of officers; military offenses; officers' retired list; reorganizing State Military Board to constitute advisory board to commander in chief. Adding §30-32. p.265, 30 S 03
- b Ia. Generally amending C. t.11 ch.1 relating to militia. 77, 12 Ap 04
- c La. Revision of military code. 41p. 181, 6 Jl 04
- d Mass. Instruction in riding to be given to mounted militia; \$4000. r.47, 13 Ap 04
- e Mass. Rifle team of volunteer militia may compete for national trophies; \$3000. r.70, 6 My 04
- f N. Y. Amending military code '98 ch.212 §125 as to appraisal of lost or destroyed property issued to officers and enlisted men. 25, 1 Mr 04
- g N. Y. Amending military code '98 ch.212 §71, 75, 79 relating to National Guard and naval militia. 147, 28 Mr 04
- h N. Y. Number of §167 relating to interest on military funds, '98 ch.212, changed to §168. 310, 13 Ap 04
- i O. Men enlisted in state militia to receive 25c weekly pay for attendance at drill; exception. p.45, 23 Mr 04
- j O. Generally amending R. S. pt1 t.15 ch.1, 2, 4 relating to organization and government of Ohio National Guard. p.477, 26 Ap 04
- k O. Amending R. S. §3080 relative to yearly pay to certain military companies and §3085 as to rental allowed for armories. p.493, 26 Ap 04
- m Va. State militia to consist of able-bodied men, 18 to 45; exemptions; classification into active and reserve militia. Amending C. §300. 533 (ex. sess.), 31 D 03



## ADMINISTRATIVE LAW MILITARY REGULATIONS

1392

## Armories

- a Ky. Repealing '93 ch.160 §46 as to provision requiring cities of 1st and 2d class to furnish armories for militia. 52, 21 Mr 04
- b Mass. State armory commissioners to acquire site and erect armory, on vote of city council to construct same. 371, 23 My 04
- c N. Y. County supervisors to provide headquarters for battalion not part of regiment; cost limited to \$500 a year. Amending Military Code '98 ch.212 §131. 321, 13 Ap 04
- d N. Y. Establishing State Armory at Rochester on approval of State Armory Commission; \$300,000 on donation of site. 642, 9 My 04
- e N. Y. Establishing State Armory at Flushing, and acquisition of site, on approval of State Armory Commission; \$70,000. 647, 9 My 04
- f N. Y. Establishing State Armory at Binghamton on approval of State Armory Commission; \$120,000 additional to proceeds of sale of old site and building. 667, 9 My 04

2397

## Naval militia

- a N. Y. City armory board or commission to furnish dock facilities for naval militia. Amending Military Code '98 ch.212 §142. 149, 28 Mr 04

2398

## Officers and boards

- a Ala. Amending '01 p.201 §4 adding ordnance officer and inspector of guard to regimental staff. p.156, 5 Mr 03
- b Ga. Senior colonel of state troops to have rank and title of brevet brigadier general. p.104, 11 Ag 04
- c Ga. Amending '02 p.70 §7 relating to staff of commander in chief: assistants of adjutant general to rank as *colonel* and *lieutenant colonel* [formerly lieutenant colonel and major] respectively. p.105, 11 Ag 04
- d Mass. Amending R. L. ch.16 §78 as to retirement of commissioned officers in militia, who served in army or navy in time of war [formerly War of Rebellion]. 231, 12 Ap 04
- e Mass. Adjutant general may allow \$35 annually to commissioned officers of militia for uniforms. 361, 20 My 04
- f Mass. 1000 copies of annual report of inspector general of rifle practice to be published. Adding line 22 to R. L. ch.9 §7. 410, 3 Je 04
- g N. Y. Amending Military Code '98 ch.212 §25 as to regimental staff: to include 1 regimental and 2 battalion electrician sergeants. 24, 1 Mr 04
- h O. Department of adjutant general to consist of adjutant and assistant adjutant general, and assistant quartermaster general;



offices of quartermaster general, judge advocate general, surgeon and chief of engineers abolished; staff of governor reorganized Amending R. S. §98, 99, 102 and repealing §100, 101. p.5, 11 Ja 04

- i O. Amending R. S. §3063-64 relating to courts martial and field officers courts. p.317, 25 Ap 04

**2400 Adjutant general**

- a Mass. Adjutant general may employ additional clerk at \$1000 salary. Amending R. L. ch.16 §14. 439, 8 Je 04
- b Miss. Salary of adjutant general, \$600 [formerly \$250]. Amending '02 ch.108. 134, 18 Mr 04

**2404 Unofficial and independent companies**

- a Mass. Amending R. L. ch.16 §147 regulating parades with imitation firearms. 226, 11 Ap 04

**2406 Pensions and relief**

**2408 State pensions and aid**

- a Mass. Revision of law relating to state and military aid and burial of indigent veterans. 9p. 381, 27 My 04
- b Mass. Civil War veterans, not conscripts or substitutes, to receive each \$125 bounty; commission appointed to pass on applications; provisos; provision for state loan of \$350,000. Amending '03 ch.471. 458, 9 Je 04
- c N. Y. Adjutant general may place on roll of invalid pensioners mothers of national guardsmen killed at state camp of instruction; pension limited to \$12 a month. 529, 29 Ap 04

**2409 State pensions and aid to confederate veterans**

- a Ala. Confederate pension rolls to be revised annually by county board of examiners of pensions; procedure. Amending '99 p.226 §9. p.233, 9 S 03; p.492, 9 O 03
- b Ala. \$50,000 annual appropriation for additional relief of confederate veterans and their widows. p.249, 23 S 03
- c Ga. State pension commissioner to pay over pensions of deceased pensioners to ordinaries of respective counties; provisos. p.106, 15 Ag 04
- d La. Submitting amendment to Const. 1898 art.303 subdiv.3 amended in 1900: total annual appropriation for pensions may vary from \$75,000 to \$150,000 [formerly from \$50,000 to \$75,000]. Adopted November 1904. 112, 4 Jl 04
- e Miss. Revision of confederate pension law '00 ch.73. 132, 22 Mr 04
- f S. C. Amending confederate pension law C. C. §1065-67 to include soldiers and sailors totally disabled from any cause from earning a living. 195, 11 F 04



## ADMINISTRATIVE LAW MILITARY REGULATIONS

**g Tex.** Submitting amendment to Const. 1875 art.3 §51: annual appropriation for pensions limited to \$500,000 [formerly \$250,000]; widows of confederate veterans married prior to March 1880 [formerly 1866] and not remarried to receive pension. *Adopted November 1904.* p.248, 1 Ap 03

**h Va.** Provision for rerating pensioners classed as partially disabled. 508 (ex. sess), 31 D 03

**i Va.** Amending '02 ch.453 §2 relative to awarding confederate pensions: veterans losing arm or leg in service, holding estate in own or wife's name of \$1000 excluded. 242, 15 Mr 04

410

**Local pensions and relief**

**a Ia.** Extending provisions of C. §430, 433 relating to veterans of Civil War to those of *any* war of United States; county relief fund; burial. 17, 13 Ap 04

411

**Burial expenses**

**a Md.** Provision for paying expenses of burial of union and confederate veterans. 663, 12 Ap 04

**b R. I.** Amending G. L. ch.89 relative to burial of indigent veterans of Civil *or other wars* of United States. 1154, 7 Ap 04

415

**Soldiers homes****416 General. Establishment. Organization**

**a Ala.** Establishing Home for Confederate Veterans at Mountain Creek, on conveyance of site; organization and management; \$25,000. p.260, 6 O 03

**b Ia.** Amending C. §2606b relating to pension money of inmates of Iowa Soldiers Home. 103, 21 Mr 04

**c Ky.** Amending '02 ch.27 §4, 6-8 relating to Kentucky Confederate Home: managing board; support; admission of wives of infirm veterans. 8, 26 F 04

**d N. J.** \$11,000 for burial plot of beneficiaries of New Jersey Home for Disabled Soldiers. Supplementing '66 ch.419. 183, 29 Mr 04

**e O.** Establishing Home of Ohio Soldiers, Sailors, Marines, their Wives, Mothers and Widows, and Army Nurses at Madison; organization and management; annual report to governor; appropriation. p.69, 6 Ap 04

**2418 Widows and orphans**

**a Ia.** Amending C. §2691-92 relating to support of orphans in Iowa Soldiers' Orphans Home at Davenport: state and county aid. 106, 31 Mr 04

**b O.** Increasing salaries of teachers and matrons of Ohio Soldiers and Sailors Orphans Home. Amending R. S. §695. p.99, 19 Ap 04



## Municipalities

2420-38

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

2420

## Organizations

2423

### G. A. R.

- a Mass. \$50,000 appropriation for state representation at national encampment of Grand Army of Republic in Boston, September 1904. r.51, 21 Ap 04

2430

## Local government

2432

## Municipalities

The usage of terms designating local bodies varies widely in different states. The word *municipality* is here used throughout in its original and strictest meaning to designate any *densely populated*, incorporated community; thus including cities, villages, boroughs, hamlets and "towns" (as a name for villages) but not including townships. Where the word *town* is used to designate the primary division of the county, it is grouped with township government, though in the case of the New England towns the nature of the government approaches more nearly that of a municipality than that of a western township.

In many states, municipalities, specially cities, are divided into classes according to population. As the classification varies widely, the limits of population designated thereby are in these references substituted for the number of the class.

2433

### State control of cities. Home rule

- a Or. Referring to Legislature of 1903 amendment to Const. 1857 art.11 §2: general laws to be passed for incorporation of cities; cities may frame and adopt charters without submission to Legislature. *Repassed in 1903 but no provision for submission.*

p.471, 15 F 01

2434

### Special legislation

- a Fla. Submitting amendment to Const. 1885 art.3 §24, art.8 §8: Legislature to divide municipalities into 4 classes and provide uniform government of each class; [formerly one system for all cities]. *Rejected November 1904.* p.643, '03
- b Ill. Amending Const.1870 art.4 by adding §34: Legislature may pass special laws for reorganization of Chicago government, subject to approval by vote of people. *Adopted November 1904.*

p.358, 22 Ap 03

- c Tenn. Submitting amendment to Const. 1870 art.11 §13: Legislature may enact local road, fence and stock laws. *Rejected November 1904.*

532, 2 Ap 03

2437

### Organization. Powers generally

2438

### General

- a Ky. Jurisdiction and elections in towns of 6th class which lie in 2 counties. 62, 21 Mr 04
- b Ky. Board of trustees of towns of 6th class may contract to supply water and light, also acquire and convey property for town purposes, water front excepted. Amending '93 ch.196 §26 subdiv.1. 95, 25 Mr 04



## RATIVE LAW LOCAL GOVERNMENT

Burnt District Commission of Baltimore city: to  
and 4 citizens appointed by him; extensive powers  
87, 11 Mr 04

ig '92 ch.66 which prescribed government of cities  
00. 165, 29 Mr 04

aneous amendments to '03 ch.168 providing for gov-  
Adding §87. 191, 29 Mr 04

icipal charters to be perpetual, subject to right of  
nd or repeal. 285, 1 Mr 04

amending C. ch.44 relating to cities and towns:  
on in council; election, powers and duties of offi-  
505 (ex. sess.), 31 D 03; 556 (ex. sess.), 2 Ja 04

**lexation and exclusion of territory**

g for vacation of unimproved plots and exclusion  
Mr 97. *Unconstitutional*. Attempts to confer  
on petitioners. City of Hutchinson v. Leimbach,

ing village law '97 ch.414 §2, 3, 5 providing for in-  
lage of *part of territory of town of 10,000*, in case  
orporated in city; proviso; proceedings.

35, 1 Mr 04

detached from municipal corporation may be  
*township*; procedure. Amending R. S. §1536  
p.143, 21 Ap 04

for contraction of corporate limits of cities and  
s; provisos. 329 (ex. sess.), 28 N 03

for extension of corporate limits of cities and  
99, 10 Mr 04

**Classification of cities**

'98 ch.28 designating cities belonging to 6 classes.  
116, 25 Mr 04

be construed to mean *incorporated* community  
*orated community under 5000 with city charter at*  
*itution of 1902* [formerly town of 5000 with Cor-  
ings Court]; "town" to mean incorporated *com-*  
*o without city charter at adoption of Constitution*  
*orated town under 5000*]. Amending C. §5 sub-  
339 (ex. sess.), 3 D 03

'03 ch.317 (ex. sess.) which provided for taking  
r city according to Const. 1902 §116.

370 (ex. sess.), 10 D 03

**Consolidation**

1g Ann. C. '92 §2914 relative to procedure in con-  
icipalities. 154, 17 Mr 04



**2444****Incorporation. Dissolution**

- a** N. J. Village on majority vote at special election may separate itself from township and acquire local self-government; procedure. 2, 9 F 04
- b** N. J. Relating to villages given local self-government on separation from township. 153, 28 Mr 04

**2446****Liability for injuries***See also 471, Torts, 2728, Roads*

- a** N. Y. Amending '98 ch.182 §461 relating to actions against cities of 50,000 to 250,000 for damages to property or person. 504, 29 Ap 04

**2447****Powers**

- a** Miss. Amending Ann. C. '92 §2971 conferring additional powers on cities over 600 [formerly 1000] inhabitants. 155, 22 Mr 04
- b** O. Amending '02 p.20 §7 (ex. sess.) relating to powers of municipalities: construction of inclined movable or rolling roads; piping streets for hot water; regulating public halls and market places; licensing designated occupations. p.504, 27 Ap 04

**2454****Wards**

- a** Va. Repealing '03 ch.112 (ex. sess.) which provides for change of ward boundaries in cities. 575 (ex. sess.), 31 D 03

**2455****Legislative body. Council**

- a** O. Municipal council to regulate calling of special meetings. Amending '02 p.20 §119 (ex. sess.). p.136, 21 Ap 04
- b** Va. Repealing '03 ch.113 (ex. sess.) relating to representation of wards in city council, and reapportionment of representation. 371 (ex. sess.), 10 D 03

**2460****Salaries**

- a** N. Y. Amending '98 ch.182 §13 as to salaries of aldermen in cities of 50,000 to 250,000. 133, 28 Mr 04
- b** O. Village council men to receive compensation of \$2 a meeting, not exceeding \$48 a year [formerly to serve without pay]. Amending '02 p.20 §197 (ex. sess.). p.118, 20 Ap 04

**2462****Vacancies**

- a** N. J. Council in cities of 12,000 may fill vacancies in office of council men. Amending '97 ch.30 §9. 80, 28 Mr 04
- b** N. J. Vacancies of 3 or more in borough council to be filled by mayor with consent of remaining council men. Supplementing '97 ch.161. 160, 29 Mr 04
- c** N. Y. Special election to be held for village trustees when majority of places vacant on board. Amending village law '97 ch.414 §54. 100, 18 Mr 04



2463

**Ordinances**2465 **Enactment**

- a N. J. Fixing number of votes required to pass ordinances on decrease of membership of city council. 226, 30 Mr 04

2467 **Publication and compilation**

- a O. Codification of municipal ordinances in book form to be sufficient publication. Adding §124a to '02 p.20 (ex. sess.).

p.320, 25 Ap 04

- b O. Amending R. S. §1536 subdiv. 623 relating to mode of publication of city ordinances in case no newspaper is published.

p.447, 26 Ap 04

2468

**Mayor**

2469

**Salary**

- a Ala. Salary of mayor in cities of 35,000, \$2500. p.108, 26 F 03

2470

**Term**

- a N. J. Towns of 10,000 with board consisting of even number of aldermen to elect mayor for 2 years. 59, 25 Mr 04

2472

**Municipal civil service***See also* 2588, Financial officers

2473

**General**

- a N. J. Departments in cities of 150,000 to submit annual reports before Mar. 1; printing and distribution. 116, 28 Mr 04

2474

**Appointments. Election**

- a Ia. Amending C. §1272 as to filling of vacancies in elective city offices. 41, 27 F 04

- b La. Amending '98 ch.136 §38 relative to filling of vacancies in municipal offices. 196, 7 Jl 04

- c Miss. Amending Ann. C. '92 §2978, 2992, '96 ch.168 as to election of clerk, tax collector and street commissioner in cities of 5000.

156, 22 Mr 04

- d N. J. Amending '94 ch.179 prescribing mode of filling vacancies in municipal offices. 8, 1 Mr 04

- e O. Mayor to fill vacancy in office of any department of municipality *till successor be elected and qualified*. Amending '02 p.20 §129, 228 (ex. sess.).

p.78, 7 Ap 04

2477

**Salaries. Fees**

- a N. J. Salaries and fees of city officials to be fixed by ordinance; *police and fire department excepted*. Amending '99 ch.135 §23.

30, 16 Mr 04



**2478**

**Tenure of office. Discipline**

- a** N. J. Term of city counsel, treasurer, surveyor or engineer, to be 3 years, in cases where present charter fixes term at 1 year. 31, 16 Mr 04
- b** N. J. Cities of 12,000 to 150,000 may extend term of certain officials to 3 years, where not elected by popular vote. 63, 25 Mr 04
- c** O. City officials or heads of departments to be impeached for misconduct in office, neglect of duty, immorality or habitual drunkenness; council may compel attendance of witnesses. Amending '02 p.20 §225 (ex. sess.). p.385, 25 Ap 04

**2480**

**Special officers**

**2484 Clerk**

- a** O. Amending R. S. §1536 subdiv.653 relating to duty of city clerk where no city auditor. p.383, 25 Ap 04

**2490**

**County and township government**

*See also* specific functions of counties and towns—Roads, Charities, Drainage etc.

**2491**

**County organization generally**

**2495**

**County seats**

- a** Ala. Counties on majority vote of electors at special election may change location of county seat; exceptions; procedure. p.117, 3 Mr 03
- b** Tenn. Providing for removal of county seats. 103, 24 Mr 73. *Unconstitutional* as to §6 providing for removal on vote equal to two thirds vote in next preceding gubernatorial election. Constitution requires concurrence of two thirds qualified voters of county. Lindsay v. Allen, 82 S. W. 171 (1904).

**2497**

**County records**

*See also* 396, Conveyance

- a** Ia. Amending C. §495-96 relating to salaries of county recorder and deputy. 21, 21 Mr 04
- b** Ia. Amending C. §494 relating to duties of county recorder as to correction of errors. 20, 30 Mr 04
- c** N. J. Counties of 99,000 to elect register of deeds and mortgages, for 5 years; powers and duties defined. 18, 7 Mr 04
- d** O. Amending R. S. §1158 as to fees of county recorder for transcribing defaced or injured records. p.58, 31 Mr 04
- e** O. County recorder to indorse fee on instrument and folio. Adding §1162a to R. S. p.133, 21 Ap 04
- f** Or. Fixing fees of recorder of conveyances or county clerk in counties under 50,000; fees to be paid into county treasury. p.26, 22 D 03



ADMINISTRATIVE LAW LOCAL GOVERNMENT

2498

**New counties. Consolidation. Division**

- a** **Ga.** Submitting amendment to Const. 1877 art.11 §1 ¶2: counties in state *limited to 145*; [formerly formation of new counties prohibited]. *Adopted October 1904.* p.47, 19 J1 04
- b** **Id.** Submitting amendment to Const. 1889 art.18 §4: new counties may not be established except by vote of majority of electors in territory proposed to be included. *Not properly adopted by Legislature so not submitted to people.* p.455, 7 Mr 03
- c** **Va.** Amending C. ch.34 as to procedure in forming new counties. 383 (ex. sess.), 10 D 03
- d** **Va.** Repealing '98 ch.692 relating to elections held to decide on formation of new county. 404 (ex. sess.), 10 D 03

2500

**Governing body. Commissioners. Supervisors.**

**Chosen freeholders**

2501

**General**

- a** **Miss.** Amending '00 ch.120 §1-4 as to meetings and compensation of boards of supervisors in counties of 20,000 [formerly 25,000]. 136, 11 Mr 04
- b** **Va.** Generally amending C. ch.36 relating to county board of supervisors. Repealing §839. 535 (ex. sess.), 31 D 03

2504

**Election. District. Vacancies. Number. Term**

- a** **Id.** Submitting amendment to Const. 1889 art.18 §10: term of county commissioners to be 4 [formerly 2] years; biennial elections. *Rejected November 1904.* p.450, 28 F 03
- b** **N. J.** Representation on board of chosen freeholders not to be lost by township on creation of borough within its limits; procedure. Supplementing G. S. '95 p.409. 13, 2 Mr 04
- c** **N. J.** Borough formed from township and from city or town may vote for chosen freeholder of township. Supplementing '97 ch.161. 27, 7 Mr 04
- d** **N. J.** Governing body in city or town to fill vacancy in office of chosen freeholder; regulations. Supplementing '95 ch.121. 155, 28 Mr 04

2505

**Meetings**

- a** **La.** Sessions of police juries limited to 25 [formerly 15] days a year; 6 days to be given to inspection of roads and bridges. Amending '77 ch.57, '00 ch.40. 102, 4 J1 04
- b** **Va.** *Chancery commissioner* [formerly commonwealth's attorney] designated by Circuit Court to cast deciding vote in case of tie vote of supervisors. Amending C. §832, '03 ch.535 (ex. sess.). 140, 14 Mr 04



2509

**Reports. Records**

- a **Ia.** Regulating publication of proceedings of county supervisors in newspapers written in foreign language. Amending C. §441.  
18, 6 Ap 04

2510

**Salaries. Fees**

- a **Ala.** Members of courts of county commissioners and county boards of revenue to receive \$3 a day and 5c mileage.  
p.373, 1 O 03
- b **O.** Regulating compensation of county commissioners according to tax valuation of county; salary limited to \$3500. Repealing sundry acts.  
p.254, 23 Ap 04
- c **S. C.** Amending C. C. §759 relating to salaries of county supervisors.  
264, 24 F 04

2511

**County civil service**

*See also 2588, Financial officers*

2513

**Appointment. Election**

- a **Mon.** County commissioners to appoint in case of tie vote for county offices. P. C. §1171. *Unconstitutional* in so far as it relates to officers named in Const. art.16 §5 providing that such officers should hold for 2 years and till successors are elected or qualified. *State v. Acton*, 77 P. 299 (1904).
- b **O.** Amending R. S. §845 relative to powers of appointment of board of county commissioners. Repealing §1001, 1005-10.  
p.304, 23 Ap 04

2514

**Oath. Installation**

2515 **Bonds**

- a **Ala.** County officers to give new bond if term be extended.  
p.238, 17 S. 03

2517

**Salaries. Fees**

- a **Mass.** Salaries of court clerks, county commissioners and treasurers fixed according to county classification. Amending R. L. ch.21 §2, ch.165 §34, 35.  
451, 9 Je 04

2518

**Tenure of office. Discipline**

- a **Fla.** Submitting amendment to Const. 1885 art.8 §6: term of county assessor, collector and treasurer to be 4 years after 1906. *Rejected November 1904.*  
p.636, 30 Ap 03
- b **Tenn.** Submitting amendment to Const. 1870 art.7 §1: sheriffs, registers and county trustees to be elected for 4 [formerly 2] years; *ineligible for 2d term*, till expiration of 4 years. *Rejected November 1904.*  
532, 2 Ap 03

2519

**Special officers**

2523 **Surveyor. Engineer**

*See also 386, Property lines*

- a **Ky.** Defining duties of county surveyors; preservation of surveys.  
108, 24 Mr 04



## ADMINISTRATIVE LAW LOCAL GOVERNMENT

- b** O. Judges of common pleas of county to fix annually compensation of county surveyors, not exceeding \$3000. Repealing sundry laws providing for fees and mileage charges. p.313, 25 Ap 04
- c** Va. Amending C. §913, 917, 922 relating to qualifications and duties of county surveyors. 352 (ex. sess.), 8 D 03
- d** Va. Amending C. §95 as to time of appointment of county surveyors; vacancies. 213, 15 Mr 04

2525

## Townships. Towns

Under this head are included governments that constitute the primary division of the county. In the New England states and in New York and Wisconsin towns are primary divisions of the county and are classed here; in many states they are densely populated incorporated communities and are classed with municipalities. In Illinois and Minnesota the primary division of the county is called both "town and township" and in Illinois there are besides a number of incorporated towns.

2526

## General

- a** Mass. Town treasurer or police officer to prosecute for violation of town bylaws. Amending R. L. ch.25 §74. 277, 30 Ap 04
- b** Mass. Town bylaws to be approved by attorney general [formerly Superior Court] and published in town or county newspapers. Amending R. L. ch.25 §26. 344, 16 My 04

2532

## Town boards. Officers

2533 General

- a** Ia. Amending C. §560 abolishing township clerk and trustees where township and city are conterminous. 22, 30 Mr 04
- b** N. Y. Amending town law '90 ch.569 §160 as to the date of annual meeting of town boards. 57, 8 Mr 04

2535 Salaries. Fees

- a** N. Y. Amending town law '90 ch.569 §178 subdiv.1 as to compensation of assessors and commissioners of highways. 312, 13 Ap 04

2538 Special officers

2548 Township committee

- a** N. J. Supplementing '99 ch.169 by conferring additional powers on township committee. 168, 29 Mr 04

2550

## Local finance

Only the *purely* financial matters are here placed. Authorization of taxes, assessments, bonds etc. for special municipal purposes—schools, libraries, lights, streets etc. are classified under these heads. They are however also *indexed* under Taxes etc. Miscellaneous provisions as to assessment and collection of taxes in local bodies are under Taxation, as such provisions usually apply to all classes of taxes. See particularly 2237, School finance.

2552

## Property

2553

## Lands. Purchase. Sale. Lease

- a** N. J. Cities may sell or lease unused public lands, or exchange for lands adapted to public use. 103, 28 Mr 04



- b**    **N. J. Municipality may vacate land undesirable for public use and extinguish public rights therein; provisos; procedure; referendum.** 205, 30 Mr 04

**2554**

**Eminent domain**

- a**    **Ia. Regulating condemnation of real property for courthouses and jails: procedure; damages; appeals.** 72, 13 Ap 04
- b**    **N. J. Township, borough or village may acquire land for public use by purchase or condemnation.** 156, 29 Mr 04
- c**    **N. J. Municipality may condemn property located in municipality to be devoted to public use; provisos; procedure; appeal from assessment; referendum.** 206, 30 Mr 04

**2555**

**Buildings and grounds**

- a**    **Ia. Cities 2000 to 15,000 may levy 3 mill tax for public buildings and grounds; submission of question to popular vote.** 28, 17 Mr 04
- b**    **Ia. Cities of 60,000 may levy tax limited to 2 mills for public buildings and grounds, on submission of question to popular vote; bond issue.** 27, 13 Ap 04
- c**    **O. Board of supervision appointed to erect public, municipal or county buildings may not erect market houses and halls. Amending '02 p.20 §216 (ex. sess.).** p.255, 23 Ap 04
- d**    **O. Municipal councils may permit use of public buildings under their control.** p.278, 23 Ap 04
- e**    **O. Townships and municipalities may issue bonds to purchase ground and buildings to be used for public purposes. Amending R. S. §2835.** p.291, 23 Ap 04
- f**    **O. Amending '02 p.20 §154 (ex. sess.) relative to letting of contracts for erecting police and fire department buildings.** p.388, 25 Ap 04
- g**    **O. Village and township may enlarge, improve or erect public building jointly; procedure.** p.483, 26 Ap 04

**2557**    **Courthouses**

- a**    **Ala. Court of County Commissioners may locate courts and offices in courthouse. Amending C. §958 subdiv.1.** p.401, 6 O 03
- b**    **La. Extending term of New Orleans Courthouse Commission created in 1902: acquisition of site; specifications; necessary funds above state appropriation to be provided by city of New Orleans [formerly amount fixed at \$375,000]; city bond issue of \$750,000 authorized; board of liquidation of city debt to negotiate bonds and distribute funds.** 96, 30 Je 04; 179, 7 Jl 04
- c**    **O. Providing for appointment of commission to build county courthouse on vote of electors; regulations.** p.111, 20 Ap 04

**2559**

**Property and supplies generally**

- a**    **O. Provision for establishing municipal department of purchase, construction and repair under control of board of public service. Amending '02 p.20 §7 (ex. sess.).** p.571, 6 My 04



## ADMINISTRATIVE LAW LOCAL GOVERNMENT

**2560 Contracts**

- a** **Miss.** Amending Ann. C. '92 §340, 342 relative to awarding contracts by boards of supervisors for public work; regulations. 141, 8 F 04

**2562 Gifts. Bequests. Trusts**

- a** **Mass.** City and town auditors to audit annually accounts of trustees of property held for public uses. 322, 9 My 04

**2566 Taxes**

- a** **La.** Amending '98 ch.131 §2, 5 relating to manner of holding election to submit question of special levy for local improvements; collection and distribution of tax. 145, 6 Jl 04
- b** **N. J.** Extending to municipal assessments for street improvement provisions of '86 ch.112 relating to settlement of unpaid taxes and assessments. 218, 29 Mr 04
- c** **O.** County commissioners may levy tax not exceeding 3 mills for certain purposes and 2 mill tax for building county buildings and lands for county infirmaries. Repealing sundry general and special acts. p.308, 23 Ap 04

**2568 Special assessments**

*See also* Special purposes of assessments, streets, sewers, drains etc.

**2569 General**

- a** **N. Y.** Amending '98 ch.182, '99 ch.581 §300 relating to certification and assessment for improvements in cities of 50,000 to 250,000: *comptroller to certify amount of deficiency to assessors* for apportionment and pro rata assessment. 256, 8 Ap 04
- b** **O.** Amending '02 p.20 §87 (ex. sess.) relating to special assessments: municipal council may pass ordinance for assessment of costs and issue bonds in anticipation of assessments. p.51, 25 Mr 04
- c** **O.** Municipal authorities may levy special assessments for laying water mains, grading, curbing and draining streets, and improving docks and piers. Amending '02 p.20 §50 (ex. sess.). p.98, 19 Ap 04
- d** **O.** Amending '02 p.20 §51-52, 54-55, 60, 70-74, 76 (ex. sess.) defining procedure for improvements by special assessments. p.121, 21 Ap 04
- e** **O.** Limiting levy for special assessments to 33½% of actual value *after improvement is made*. Amending '02 p.20 §53 (ex. sess.). p.125, 21 Ap 04
- f** **O.** Municipal council may make special assessments on lands not divided into lots by percentage of tax value or by front foot. Adding §50a to '02 p.20 (ex. sess.). p.295, 23 Ap 04
- g** **Va.** Repealing C. §1039-40, 1043 relating to local assessments for improvements in cities and towns. 556 (ex. sess.), 2 Ja 04



**2575 Budget Accounts****2577 Appropriation. Tax levy. Expenditures**

- a** Ala. Court of county commissioners may levy and collect special taxes, not exceeding 2½ mills, for construction of public buildings, bridges or roads. p.307, 30 S 03
- b** N. J. Regulating receipt and disbursement of money by city boards and departments, also passage of ordinances. 128, 28 Mr 04
- c** O. Money to be derived from authorized municipal bonds or notes sold and in process of delivery to be deemed in treasury and in appropriate fund. Adding §45a to '02 p.20 (ex. sess.).  
p.44, 21 Mr 04
- d** Va. Amending C. §847 relative to annual statement of receipts and expenditures of county supervisors. 77, 7 Mr 04
- e** W. Va. Annual county levy exceeding 6 mills to be submitted to popular vote. Amending C. ch.39 §29. 9, 12 Ag 04

**2579 Examination and audit**

- a** N. J. Cities of 150,000 may order examination and auditing of accounts of departments receiving annual municipal appropriations. 73, 28 Mr 04
- b** O. Prescribing method for filing vouchers by county commissioners or infirmity directors before payment. p.25, 2 Mr 04

**2580 Accounts to be kept. Form**

- a** O. Amending R. S. §1023-24, 1044, 1084, 1107 relative to accounting of county treasurers and auditors. p.457, 26 Ap 04

**2581 Reports**

- a** O. Amending R. S. §917 as to publication of annual financial report of county commissioners, also examination of same and report by Court of Common Pleas. p.167, 22 Ap 04
- b** Va. Amending C. §588 and repealing §593-601 which required tax statement to be made annually by notary to local commissioner of revenue. 336 (ex. sess.), 3 D 03

**2583 State supervision. Uniform accounts**

- a** O. Generally amending '02 p.511 creating Bureau of Inspection and Supervision of Public Offices, to establish uniform system of public accounting. p.271, 23 Ap 04

**2585 Warrants**

- a** Va. Warrants drawn by boards of supervisors, district school boards and Circuit Courts to be paid within 2 years from date of drawing. Repealing '98 ch.74. 420 (ex. sess.), 8 D 03



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2586

**Claims. Judgments**

- a** Or. Assignee of claim against county or county officer for money alleged to have been illegally charged may not maintain action. p.24, 24 D 03

2588

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- a** Ala. Misdemeanor for county or municipal officers to divert money from purpose originally intended. p.401, 6 O 03
- b** N. J. Comptroller, auditor of accounts or treasurer in city of 150,000 may designate clerk as deputy during absence. 136, 28 Mr 04
- c** Va. Amending '00 ch.1140 §1 as to procedure in suspending county or city treasurer for failure to make settlement. 335 (ex. sess.), 3 D 03
- d** Va. Amending C. §853, 855, 857-58, 861-63, 865 relating to county and city treasurers: bonds; accounts; annual statement; prosecution. 392 (ex. sess.), 10 D 03
- e** Va. County or city treasurer to deliver to successor, books and papers *including uncollected tax tickets*. Amending C. §857. 590 (ex. sess.), 11 Ja 04
- f** Va. Amending C. §613-14, '88 ch.283, '02 ch.666 relating to compensation of county and city treasurers for receiving and disbursing levies. 196, 15 Mr 04

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- a** N. J. City authorities where receiver of taxes is elected by people may fix term of receiver at 5 years. 212, 30 Mr 04

**2592 Commissioner of revenue**

- a** Va. Repealing '03 ch.120, 121 (ex. sess.) which provide for election of commissioners of revenue in counties and cities respectively. 581 (ex. sess.), 6 Ja 04

**2593 County auditor. Comptroller**

- a** Ia. Fixing salaries of county auditors according to population of counties. Repealing C. §479. 19, 6 Ap 04

**2594 County treasurer**

- a** Ala. Fees of county treasurer limited to 2½% [formerly 5%] of amount paid out; proviso. Amending C. §1435. p.154, 5 Mr 03; p.406, 10 O 03
- b** W. Va. Sheriff to serve as county treasurer; powers and duties. 8, 12 Ag 04

2597

**Debts. Bonds***See also 2245, School finance; 2672, Sewerage*

- a** Ala. Cities and towns on majority vote of electors may issue bonds to construct public buildings, or works of internal improvement or to purchase public utilities; regulations. p.59, 25 F 03



- b Ala. Providing for adjustment and refunding of bonded indebtedness of municipal corporations. p.71, 26 F 03
- c Ala. Governing body of county may order election to decide on bond issue for public improvements; procedure. p.90, 26 F 03
- d Ala. Cities or towns may secure payment of bonds for waterworks, light and power plants by executing mortgage on same; provision for executing mortgage prior to construction. p.402, 6 O 03
- e Ga. Regulating calling of election by county, municipality or political division for submitting question of incurring indebtedness according to Const. 1877 art.7 §7 ¶1. p.85, 13 Ag 04
- f Ia. Cities 2000 to 15,000 may incur indebtedness limited to 2½% for system of waterworks and sewers. Amending C. §1306b. 43, 6 Ap 04
- g Ia. Amending C. §403 relating to refunding of county bonds: proviso relating to indebtedness incurred for bridge purposes. 16, 7 Ap 04; 15, 12 Ap 04
- h Ky. Amending '92 ch.91 §1 authorizing counties to substitute new for old bonds. 83, 22 Mr 04
- i Ky. Amending '93 ch.241 §9 subdiv.2, 26 as to incurring of indebtedness by cities of 4th class to pay bonds. 111, 24 Mr 04
- j Miss. Board of aldermen may decide whether interest on city bonds be paid annually or semiannually. Amending Ann. C. '92 §3017. 157, 18 Mr 04
- k N. J. Cities may raise money by temporary loans or bond issue not exceeding 15% of assessed valuation, to retire indebtedness incurred for public improvements; regulations. 54, 22 Mr 04
- m N. J. Borough council may fix term and membership of sinking fund commission; proviso. Supplementing '97 ch.161. 81, 28 Mr 04
- n N. J. Bonds of issue purchased from borough sinking fund to be canceled; procedure. 149, 28 Mr 04
- p N. J. Cities, town, township or borough authorities may issue bonds to fund maturing bonds and floating indebtedness *however incurred*; tax levy of 2% [formerly 3%] on issue to create sinking fund. Amending '99 ch.110 §1-3. 164, 29 Mr 04
- q N. J. Amending '92 ch.46 §2 as to bonded indebtedness incurred in constructing buildings for city police department. 185, 29 Mr 04
- r N. Y. Comptroller in cities of 50,000 to 250,000 to regulate sale of city bonds. Amending '98 ch.182 §26. 98, 18 Mr 04
- s O. Township, school district or county authorities may issue new bonds to reduce rate of interest on consent of bondholders. Amending R. S. §2834a. p.514, 27 Ap 04
- t O. Generally amending '02 p.20 §26, 98, 104, 110, 112, 114, 216 (ex. sess.) relating to municipal debts and bonds: unexpended



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balances; issue of notes in anticipation of collection of assessments; limitations of application. Adding §43a, 95a, 2835b.

p.516, 27 Ap 04

- u Tex.** Submitting amendment to Const. 1875 art.3 §52: Legislature may authorize political subdivisions of state to issue bonds not over one fourth assessed valuation of real estate for construction of roads, irrigation works, and improvement of streams; proviso. *Adopted November 1904.* p.246, 1 Ap 03

- v Va.** Amending '03 ch.184 §9 (ex. sess.) relative to town elections on question of bond issue. 324 (ex. sess.), 25 N 03

- w Va.** Amending '03 ch.84 (ex. sess.) relating to bond issue by municipal corporations for redemption of outstanding bonds.

360 (ex. sess.), 10 D 03

- x Va.** City, town or county authorities may levy special tax to pay interest on bonds and provide sinking fund.

557 (ex. sess.), 2 Ja 04

2598

## Limitation of indebtedness

- a N. Y.** Limiting indebtedness of towns including portion of Adirondack Park. Adding §215 to '90 ch.569. 436, 27 Ap 04

- b N. Y.** Amending village law '97 ch.414 §130 relative to limitation of indebtedness. 680, 9 My 04

- c S. C.** Referring to Legislature of 1905 amendment to Const. 1895 art.8 §7, amended in 1901 relating to municipal bonded indebtedness: city of Greenville may increase indebtedness to 15% for street improvement or sewerage or purchase of water or electric light plants. 385, 18 F 04

- d Tenn.** Submitting amendment to Const. 1870 art.11 §19: indebtedness of counties, cities and towns limited to 10% of value of taxable property. *Rejected November 1904.* 532, 2 Ap 03

2599

## Temporary debt

- a Mass.** Counties, cities and towns may issue noninterest bearing notes at a discount. 153, 12 Mr 04

- b Miss.** Counties under 30,000 may borrow money not exceeding \$50,000 a year to defray expenses of county other than judiciary expenses. Amending '02 ch.95 §1. 133, 22 Mr 04

- c N. Y.** Amending county law '92 ch.686 art.2 by adding §39: counties may borrow money on temporary loans and issue obligations therefor. 20, 1 Mr 04

2600

## Deposits and depositories

- a N. Y.** Repealing county law '92 ch.686 §143 as to depositories in counties with city of 20,000. 174, 29 Mr 04

- b O.** Amending '02 p.20 §135 (ex. sess.) as to duties of city treasurer relative to deposit of moneys. p.270, 23 Ap 04



## **Fire department**

**2601-16**

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**2601**

### **Police**

*See 872*

**2602**

### **Fire department**

*See also 1092, Fires*

**2603**

#### **General organization**

- a** La. Villages which are parish sites may provide for protection of property against fire. 68, 1 Jl 04
- b** N. J. City adopting provisions of '02 ch.107 may create board of fire commissioners and provide for organization and management; bond issue. Supplementing '02 ch.107. 3, 24 F 04
- c** N. Y. Amending village law '97 ch.414 §206 relating to council of fire department: *one half* [formerly two thirds] of members to make quorum. 645, 9 My 04

**2605**

#### **Fire districts**

- a** N. Y. Prescribing method of assessing expenses of fire department on incorporation of village within fire district. Adding §37a to county law '92 ch.686. 277, 13 Ap 04

**2606**

#### **Finances**

**2607** **Appropriation. Taxes. Bonds**

- a** Miss. Board of supervisors of counties of 40,000 containing municipality with fire department may aid latter for services rendered to amount of \$250 a year. 101, 19 Mr 04
- b** O. Council of any incorporated village may levy additional tax of 5 mills for fire protection for years 1904-8. p.407, 25 Ap 04

**2611**

#### **Independent and volunteer companies**

- a** N. J. Fire or hose companies incorporated under laws of state may change name on two thirds vote of board of directors; proviso. 197, 29 Mr 04

**2612**

#### **Officers**

*See also 1093, Fire marshal*

- a** Mass. Regulations as to hight and weight of members of fire department to be enforced by certain local authorities. 194, 31 Mr 04
- b** Mass. Cities and towns may establish hours of labor for members of fire department. 315, 9 My 04

**2616** **Pensions. Relief**

- a** Mass. Towns on two thirds vote at annual town meeting may provide for pensioning members of fire department, incapacitated through service, or members 60 years of age, after 25 years of continuous service; proviso. 327, 13 My 04
- b** N. J. Repealing '85 ch.22 §4, '03 ch.67 relating to organization of firemen's relief associations. 181, 29 Mr 04



- c** O. Amending R. S. §1536 subdiv.596 relating to firemen's pension fund: membership of board of trustees; rate of tax levy.

p.241, 23 Ap 04

- d** R. I. \$2500 annual appropriation to Rhode Island State League of Firemen; to constitute firemen's relief fund; creating Firemen's Relief Board; distribution of benefits.

1161, 13 Ap 04

- e** S. C. Cities of 20,000 or more may have pension fund; 1% of premiums of foreign fire insurance companies, firemen's fines to go into fund.

279, 1 Mr 04

#### 2619 State firemen's associations

- a** R. I. \$2500 annual appropriation to Rhode Island State League of Firemen; annual report to general treasurer.

1161, 13 Ap 04

### 2620 Public works. Public improvements

*See also* 1054, Cemeteries

#### 2627 Municipal utilities (general)

*See also* 1336, Street railways

#### 2628 Franchises (general)

*See also* 1362, Street railways; 1415, Telegraph and telephone

- a** N. Y. Amending '98 ch.182 §19 as to street franchises in cities of 50,000 to 250,000; council may extend same subject to approval of mayor and board of estimate and apportionment.

454, 28 Ap 04

- b** Va. Repealing '03 ch.138 (ex. sess.) which regulates granting of franchises by cities and towns.

570 (ex. sess), 24 D 03

#### 2629 Municipal ownership (general)

*See also* 1350, Street railways; 1391, Ferries and fords; 2650, Water; 2721, Toll roads

- a** O. Municipal corporation may contract for furnishing of water power to municipal waterworks, electric light or gas plants. Adding §143a to '02 p.20 (ex. sess.).

p.320, 25 Ap 04

#### 2630 Rates. Charges

- a** Miss. Incorporated municipalities may fix rates for water, electric light or gas supplied by private corporations; proviso.

182, 19 Mr 04

- b** O. Limiting power to change prices [formerly minimum prices] of gas *and electricity* when fixed for certain term of years by municipal corporation and accepted by company. Amending R. S. §2479.

p.263, 23 Ap 04

#### 2633 Light. Power. Heat

*See also* 320, Crimes against property

#### 2634 State supervision

- a** Mass. Amending R. L. ch.121 §4 relative to assessment of salaries and expenses of Board of Gas and Electric Light Commissioners among gas and electric light companies.

435, 8 Je 04



2636

**Public lighting contracts**

- a N. J. Amending '94 ch.353 §2, 4 as to expenditure by township commissioners for street lighting. 71, 28 Mr 04

2637

**Light, heat and power companies**2638 **General and miscellaneous**

- a O. Gas and electric light companies may manufacture and supply gas and electricity for light, heat and power purposes. Repealing R. S. §3550a relating to Cincinnati. p.258, 23 Ap 04
- b S. C. Electric lighting and power companies to have same rights and duties as telegraph and telephone companies. Amending C. C. §2211. 278, 25 F 04

2640 **Eminent domain**

- a O. Municipal and other corporations organized to build dams, construct canals, etc., or erect poles to transmit electricity may exercise right of eminent domain; proviso. Amending R. S. §3878. p.300, 23 Ap 04

2648

**Water***See also* 1079, Pollution of water; 1190, Water rights

2649

**Eminent domain**

- a Ky. Corporations supplying water to cities may condemn land. 70, 21 Mr 04

2650

**Municipal works**

- a Minn. Cities under 10,000 having sold waterworks with right of purchase reserved may issue bonds to repurchase; proviso; regulations. 50, 11 Mr 03. *Unconstitutional*. Basis of classification arbitrary. Special legislation. *Thomas v. City of St Cloud*, 97 N. W. 125 (1903).
- b N. J. Cities owning or operating system of waterworks may extend same by bond issue; regulations. 53, 22 Mr 04
- c N. J. Cities with artesian water supply may extend water supply and waterworks plant; bond issue limited to \$200,000; regulations. 77, 28 Mr 04
- d N. J. City authorities may contract to enlarge or construct additional water mains; assessment of benefits; bond issue; regulations. 146, 28 Mr 04
- e N. J. Governing authority of cities under 12,000 owning or operating water supply plant may contract for constructing additional water pipes or mains; bond issue limited to \$30,000. 201, 30 Mr 04
- f Pa. Borough may provide water supply by building and operating works or by contract with private corporations. 113, 3 My 01. *Unconstitutional* in so far as it impairs existing contracts. *Potter County Water Co. v. Borough of Austin*, 55 A. 991 (1903).



**2651 Storage reservoirs**

- a** N. J. Amending '92 ch.27 §4, 5 as to bonds issued by cities for construction of water supply reservoirs. 39, 16 Mr 04

**2654 Water commissioners**

- a** Mass. 6000 [formerly 4500] copies of annual report of metropolitan water and sewerage board. Amending R. L. ch.9 §7 line 118. 410, 3 Je 04

**2655 Water companies**

- a** Ala. Amending C. §1256 by adding ¶9 defining rights of water supply companies; condemnation proceedings. p.75, 3 Mr 03

**2657 Regulating rates**

- a** O. City or village authorities may regulate rates of companies supplying water for public or private use or fire protection. Amending R. S. §1536 subdiv.567. p.114, 20 Ap 04

**2660 Sewerage**

*See also* 1079, Pollution of water; 1191, Drainage

**2661 Sewerage systems. Construction generally**

- a** Ia. Repealing C. §738-39 relating to construction of sewers in towns and smaller cities. 26, 31 Mr 04
- b** Ia. Extending to incorporated towns provisions of C. t.5 ch.7 relating to construction of sewers. 31, 31 Mr 04
- c** La. Submitting amendment to Const. 1898 art.281: municipal councils may create 1 or more sewerage districts within corporate limits; sewerage districts on majority vote of property taxpayers may levy special tax not exceeding 5 mills on \$1 of assessed valuation of property of district; exceptions; bond issue. *Adopted November 1904.* 186, 7 Jl 04
- d** Mass. Governor with consent of Council may appoint committee of 3 members to investigate local sewerage systems within metropolitan sewerage district and consider advisability of purchase and maintenance by metropolitan water and sewerage board; report to Legislature of 1905. r.98, 3 Je 04
- e** N. J. City owning system of sewerage may extend same; aggregate amount of long term and short term sewer bonds not to exceed 3% and 5% respectively of assessed valuation; procedure. 55, 22 Mr 04
- f** N. J. Cities under 12,000 may maintain sewerage system by general taxation including in annual city tax a special sewer tax to be first lien on property against which it is assessed. Supplementing '97 ch.30. 85, 28 Mr 04



## **Public works**

**2663-79**

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**2663**

#### **Eminent domain**

- a** **Ia.** Cities and towns may acquire property for sewer outlets, garbage and sewage disposal grounds. Amending C. §881.

37, 12 Ap 04

**2667**

#### **Joint, trunk and outlet sewers**

- a** **N. J.** Municipality entering on joint contract to construct and maintain outlet or trunk sewers, may issue bonds to continue contract; procedure. Supplementing '99 ch.36.

152, 28 Mr 04

- b** **O.** Providing for construction and maintenance of main or trunk sewers by county commissioners on approval of plans by State Board of Health; bond issue.

p.533, 3 My 04

**2671**

#### **Sewer assessments**

- a** **N. J.** Regulating procedure when action taken by city relative to sewer assessment has been defective. Supplementing '82 ch.50.

95, 28 Mr 04

**2672**

#### **Sewer bonds**

- a** **N. J.** Cities may issue bonds for sewers and drains not exceeding \$150,000 [formerly \$75,000] a year. Amending '03 ch.36 §2.

2 (ex. sess.), 19 Ap 04

**2674**

#### **State commissions**

- a** **Mass.** 6000 [formerly 4500] copies of annual report of metropolitan water and sewerage board. Amending R. L. ch.9 §7 line 118.

410, 3 Je 04

**2677**

#### **Parks. Public grounds. Boulevards**

*See also 798, State parks*

- a** **N. J.** Cities bordering on ocean may establish band pavilions and bath houses connected with places of public resort and erect and maintain recreation piers; disposition of receipts; public grounds commission to have supervision. Amending '00 ch.99 §3, 4-

86, 28 Mr 04

**2679**

#### **Establishment. Support**

- a** **Ia.** Cities under 12,500 and incorporated towns may issue bonds for park improvement; regulations. Amending C. §860.

35, 12 Ap 04

- b** **Ia.** Amending C. §853 relating to levy of special park tax by cities of 25,000.

34, 13 Ap 04

- c** **N. J.** Towns incorporated under general town law may maintain parks and places of amusement; board of park commissioners established; bond issue. Supplementing '95 ch.113.

37, 16 Mr 04

- d** **N. J.** Cities of 12,000 to 150,000 may improve public parks; loan limited to \$10,000 a year.

150, 28 Mr 04



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- e** O. Public parks containing prehistoric earthworks *or* historic building to be exempt from taxation; regulations. Amending R. S. §2732 subdiv.1-2. p.49, 25 Mr 04

- f** O. Township on petition of electors equal to one tenth of votes cast at last general election may establish public park on submission of question to popular vote; procedure. p.411, 25 Ap 04

**2680 Park commissioners**

- a** Ia. Park commissioners in cities under 40,000 to serve without pay. Amending C. §861. 36, 6 Ap 04

**2681****Boulevards and driveways**

- a** O. Municipal corporations may condemn property to establish boulevards, park ways etc. around public buildings. Amending '02 p.20 §10 (ex. sess.). p.333, 25 Ap 04

**2696****Public entertainment**

- a** Mass. Towns at annual meeting may appropriate money to \$500 for public band concerts. 152, 12 Mr 04

**2698****Public baths and gymnasium**

- a** N. J. Borough maintaining bathing establishment for profit may maintain lifesaving guard. Supplementing '97 ch.161. 105, 28 Mr 04

**2700****Roads. Streets****2701****General**

- a** Ala. Providing for construction and maintenance of county roads and bridges: governing county board to have supervision; condemnation proceedings; road districts; employment of convicts; tax levy limited to 2½ mills. p.412, 10 O 03

- b** Md. Providing new road system for Baltimore county: county commissioners sitting as highway commissioners to have supervision; extensive powers. Amending C. art.3 §188-211. 465, 12 Ap 04

- c** N. Y. Amending '98 ch.115 §12 relating to care of roads before assumed by county. 426, 27 Ap 04

- d** N. Y. Secretary of state to designate person to compile revised edition of highway manual; compensation; distribution. 536, 3 My 04

- e** O. Provision for holding state convention to consider road improvement. p.630, 2 F 04

- f** Va. General road law: establishment, construction and maintenance of county roads. 13p. 106, 12 Mr 04

**2702****State road systems and state aid**

- a** Ia. Iowa State College of Agriculture and Mechanic Arts at Ames constituted Highway Commission for Iowa; to devise plans



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for systems of highway construction and maintenance; to circulate information relating to road building; to furnish public demonstrations; annual report to governor. 105, 13 Ap 04

**b Md.** Providing for permanent improvement of highways: extending powers of commission which was appointed by '96 ch.51 to direct State Economic and Geologic Survey; to have supervision of road improvement; construction, repair and maintenance; procedure; state aid to 50% of county levy; \$200,000 annual appropriation. Supplementing '98 ch.454. 225, 2 Ap 04

**c Mass.** Amending R. L. ch.47 §6 as to filing of certificates preliminary to locating state highway. 108, 24 F 04

**d Mass.** Cities and towns may pay part of expense of constructing state highway within limits; regulations. 125, 27 F 04

**e Mass.** Legislature to appropriate annually from state treasury amount necessary for maintenance of state highways. Amending '03 ch.280 §2. 244, 20 Ap 04

**f N. Y.** Misdemeanor to enter highway closed to public travel by state engineer. Adding §11a to '98 ch.115. 298, 13 Ap 04

**g N. Y.** County to appropriate half of cost of improvement before highway placed on list for construction. Amending '98 ch.115 §11. 299, 13 Ap 04

**h N. Y.** Amending highway law '90 ch.568 §55 and adding §55a-d relative to maintenance of highways and supervision by state engineer, and county engineer or county superintendent of highways; defining duties of county engineer. Repealing '98 ch.115 §8 so far as relating to county engineer. 608, 6 My 04; 609, 6 My 04

**i N. Y.** Final resolutions of county supervisors adopting plan of state engineer for constructing highways may not be rescinded. Amending '98 ch.115 §6. 612, 6 My 04

**j O.** Providing for system of state, county and township cooperation in improvement of public highways; creating office of state highway commissioner; state aid to 25% of cost; procedure. p.523, 18 Ap 04

**k O.** State highway commissioner to carry into effect law providing for system of state highways; county bond issue; creation of state, and county road improvement fund. p.511, 27 Ap 04

**m R. I.** \$100,000 for construction and maintenance of state highways; State Board of Public Roads to direct expenditure. r.13, 7 Ap 04

**2703 Road officers. Overseers. Street commissioners**

**a Ky.** Amending '94 ch.47 §24 as to fines for neglect of duty by overseers of road precincts. 90, 22 Mr 04



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- b** N. Y. Amending highway law '90 ch.568 §83, 84, 89, 92 relative to appointment of commissioners by county judge *or special county judge*. 353, 16 Ap 04

2704

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- a** O. Generally amending R. S. §4757 subdiv.1-21 relating to organization of special road districts out of contiguous townships. p.94, 19 Ap 04
- b** O. Township trustees may create separate road districts for improvement of township roads; submission of question to popular vote; regulations. p.575, 6 My 04

2705

## General improvement. Contracts

- a** Ky. Counties may issue bonds for construction of turnpikes and gravel roads; regulations. 77, 22 Mr 04
- b** Ky. Providing for condemnation of land and material necessary to construct and repair public roads and bridges; procedure. 98, 22 Mr 04
- c** Miss. Counties may issue bonds for construction of public roads. Amending Ann. C. '92 §311. 140, 22 Mr 04
- d** N. J. Boards of chosen freeholders may maintain roads on county property. 36, 16 Mr 04
- e** N. J. Amending '03 ch.97 §10 relative to county bonds for road improvement: interest to be payable annually *or semiannually*. 90, 28 Mr 04
- f** N. J. Roads improved by townships may be transferred to county on petition; procedure. 114, 28 Mr 04
- g** N. Y. Amending '98 ch.115 §8 as to awarding of contracts by town and county boards for improvement of highways. 51, 8 Mr 04
- h** N. Y. Highway commissioners in towns adopting money system to prescribe duties of overseers as to maintenance of highways; establishment of highway districts. Amending highway law '90 ch.568 §4 subdiv.3-5. 611, 6 My 04
- i** O. Amending R. S. §4759 relative to building of turnpikes by county commissioners: manner of construction. p.57, 31 Mr 04
- j** O. Counties collecting tolls from national road to expend same on improvement; regulations. p.434, 26 Ap 04
- k** O. Revising law relating to improvement of public roads of townships. Repealing '00 p.284. p.550, 3 My 04
- 2706** Road machinery and material
- a** Ia. Local authorities may condemn gravel lands for road purposes; reversion of lands. 73, 6 Ap 04
- b** N. Y. Amending highway law '90 ch.568 §6 as to use of town road machines on change from labor to money system of working roads. 153, 28 Mr 04



**2719 Private roads**

- a** Kan. Providing for opening of private roads: procedure. G. S. '01 §6053-55. *Unconstitutional*. Takes private property for private use. *Clark v. Board of Commissioners*, 77 P. 284 (1904).
- b** Ky. Amending '93 ch.232 art.2 §1 relative to laying out of private roads across lands of others: procedure. 126, 26 Mr 04
- c** N. Y. Amending highway law '90 ch.568 §110, 111, 113 relative to establishing private roads: town highway commissioners to select jury from 36 [formerly 18] freeholders; regulations. 109, 23 Mr 04

**2720 Toll roads**

- a** O. Amending R. S. §3485 as to appeals from condemnation proceedings relating to toll roads. p.85, 15 Ap 04
- b** Va. Provision for continuing annual tolls on turnpikes. Amending '04 ch.609 pt10 §10 (ex. sess.). 42, 27 F 04

**2721 Public purchase**

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**Monographs** 8, 12, 14. 8 **State Finance Statistics**, 1890 and 1895. 57p. Mar. 1897. *10c.*

This bulletin was prepared by E. Dana Durand Ph.D. when legislative librarian. It is a comparative summary of the receipts and expenditures of all the states, including also statistics relating to endowment funds and state debts.

—12 **Trend of Legislation in the United States**. 40p. May 1900.

*5c.* By Robert H. Whitten.

A sketch of the general trend of recent legislative regulation from a sociologic standpoint. Laws relating to the organization of the government itself are not considered, merely a broad, comprehensive view being given of the general tendency of attempts at social regulation and control.

—14 **Taxation of Corporations in New York, Massachusetts, Pennsylvania and New Jersey**. 198p. May 1901. *25c.* By Robert H. Whitten.

Contains (1) a brief review of the corporation tax system of the four states; (2) a summary by states showing the various state and local taxes imposed on each class of corporations; (3) a compilation of corporation tax statutes.

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References from either of these indexes will be mailed on application subject to a fee covering cost of copying whenever more than a page of copying is required.



Published monthly by the

# New York State Education Department

Volume 10

Number 10

## New York State Library

MELVIL DEWEY Director

### Bulletin 92

LIBRARY SCHOOL 18

### 18th ANNUAL REPORT

OF

## NEW YORK STATE LIBRARY SCHOOL

1904

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ALBANY

NEW YORK STATE EDUCATION DEPARTMENT

1905



STATE OF NEW YORK  
EDUCATION DEPARTMENT

Regents of the University  
Will serve when term expires

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New York State Education Department

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# New York State Library

MELVIL DEWEY Director

Bulletin 92

LIBRARY SCHOOL 18

## 18th ANNUAL REPORT OF LIBRARY SCHOOL 1904

For the year ending Sep. 30, 1904, the director has the honor to report on the New York State Library School as follows:

**Classes.** The fall term opened Wednesday, Oct. 7, 1903. 15 seniors and 34 juniors were enrolled, representing 13 states and 2 foreign countries. New York led with 19 students, Massachusetts stood next with 6, Michigan, Vermont and Wisconsin sent 3 each, Indiana, New Hampshire, Ohio, Pennsylvania and Rhode Island 2 each, and Maine, Minnesota, Nebraska, Canada and Norway 1 each.

Among the 49 students 42 colleges were represented, Smith sending 6, Harvard 5, Vassar 4, Brown and Yale (including the graduate school) 3 each, Mt Holyoke, Radcliffe and Wilson Colleges and Cornell, Michigan, Nebraska, Wesleyan and Wisconsin Universities 2 each, and the remaining 29, 1 each. 2 students each represented 4 colleges, 2 students 3 colleges and 7 students 2 colleges. All students had received college training and all juniors held a degree, the decision requiring this of all applicants after Mar. 1, 1902, having now taken effect. 2 students held 3 degrees each and 3 students 2 degrees each.

While our school is maintained primarily for New York State and extra tuition is charged to outside students, 285 students have come from 24 other states and from Canada, England, Australia, Germany, Holland, Norway and Sweden, and our summer course in its 8 sessions, has drawn from 22 states.

**Examinations and credentials.** There were issued 423 examination passcards, each card representing a different student or subject, 410 instructors passcards, 20 certificates of completion of one year of work, including 8 certificates with honor, 1 diploma and 7 degrees, including 3 degrees with honor. Total credentials issued since Aug. 1, 1890, when they were first given, are 5317 examination



passcards, 3206 instructors passcards, 211 first year certificates, including 92 with honor, 49 diplomas, including 11 with honor, 54 degrees, including 10 with honor.

For summary of credentials issued Aug. 1, 1890-Apr. 30, 1902, with a list of the 98 graduates through April 1902, see Library School Register, 1902, p. 50-53.

**Degrees and diplomas.** Degrees and diplomas were conferred on 4 of the class of 1904, on 1 each of the class of 1902, 1901, 1898 and 1895 as follows:

*Degree of B. L. S. with honor.* Ethel Belden Ketcham 1904, Celia Mabelle Houghton 1902, Helen Morton Thompson 1901.

*Degree of B. L. S.* Edmund Lester Pearson 1904, Harriet Rosa Peck 1904, Ernestine Rose 1904, Grace Fisher Leonard 1895.

*Diploma.* Ellen Summers Wilson 1898.

**Selection of books.** The plan adopted last school year of giving separate courses in selection of books in the senior and junior years was so satisfactory that it has been continued. The students of the two classes still meet together four times a year to discuss a group of books. A special feature of the senior course is solving concrete problems actually occurring, in selecting books for individuals, special stress being laid on fitting books to the needs, tastes and interests of various types of readers.

**Annual visit to leading libraries.** The vice director reports as follows on the 13th annual visit of the school, Ap. 6-18.

During this seventh biennial visit to New England libraries the experiences of previous years were repeated so far as outward incidents are concerned, but 50 new students gained the widened horizon which invariably results from such library pilgrimages. The new Clark University Library building was a welcome addition to the itinerary. We also attended a regular meeting of the Massachusetts Library Club at Pawtucket and inspected the new Deborah Cook Sayles Public Library. Several social features added to our pleasure and facilitated acquaintance. In Hartford we met the librarians of the city at an informal reception given by Mr C. S. Thayer. In Worcester we shared the hospitality of Mr Green at a bounteous collation and were entertained by Dr and Mrs Wire at the Worcester County Law Library. In Cambridge we enjoyed a very pleasant luncheon with Mr and Mrs Lane at Harvard Union. In Boston we were the guests of the College Club at a reception and a party of students with their friends also visited the unique and wonderful Isabella Stewart Gardner Museum at Fenway Court.

**Visit of Pratt Institute students.** On Mar. 25 the school wel-



*State Library Albany N. Y. Jan. 3, 1905*

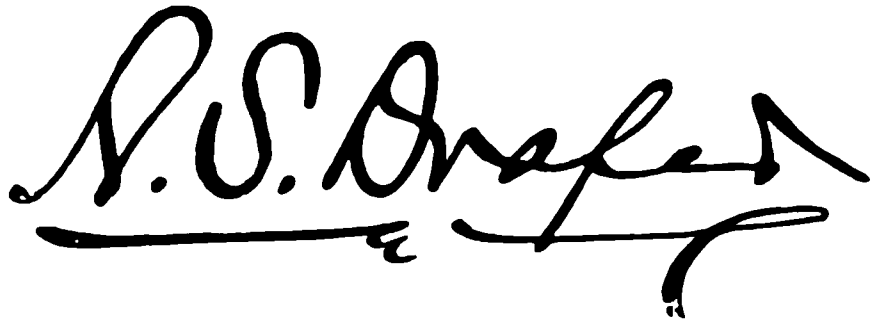
*Hon. A. S. Draper*  
*Commissioner of Education*

DEAR SIR: Herewith I transmit for publication the 18th annual report of the New York State Library School for 1904.

Very truly

MELVIL DEWEY  
*Director*

*State of New York*  
**Education Department**  
**COMMISSIONER'S ROOM**  
*Approved for publication Jan. 11, 1905*

A handwritten signature in dark ink, reading "A. S. Draper". The signature is written in a cursive style with a horizontal line underneath the name.

*Commissioner of Education*



197, held its 11th annual meeting Oct. 20. After the transaction of regular business, thanks were voted to Mr William H. Brett for the alumni lectures delivered to the school in June, and to Miss Isabel E. Lord for the services which she had so efficiently rendered to the association as secretary-treasurer since 1898. The meeting is further reported in *Library Journal*, Nov. 1904, 29: 612.

#### Officers 1904-5

*President*, George Franklin Bowerman, '95, B.A. B.L.S. District of Columbia public librarian

*First vice president*, Mary Letitia Jones, '92, B.L. B.L.S. Los Angeles (Cal.) public librarian

*Second vice president*, Ella Rosina Seligsberg, '03, B.A. B.L.S. first assistant Drexel Institute Library

*Secretary-treasurer*, Julia Anna Hopkins, '97, librarian Madison (Wis.) Free Library

#### Executive board

The officers and Anna Hendricks Rodgers, '02, B.A. librarian Pruyn Library, Albany N. Y.; Arthur Low Bailey, '98, B.L.S. librarian Wilmington (Del.) Institute; Anne Seymour Ames, '97, librarian Mt Vernon Seminary, Washington D. C.

#### Advisory committee on Library School

1904-5 James Ingersoll Wyer jr, '98, B.L.S. librarian University of Nebraska, *chairman*

1904-6 Pauline Gertrude Wiggin, '02, B.L. M.A. B.L.S. librarian University of West Virginia

1904-7 Drew Bert Hall, '01, B.A. B.L.S. librarian Millicent Library, Fairhaven Mass.

**Alumni lectureship.** Mr William H. Brett M.A. Cleveland public librarian and dean of Western Reserve University Library School, who gave the first alumni lectures in 1896, delivered as the seventh alumni course, three helpful lectures, June 13-15, on the relations of the public library and the library school to other educational activities.

**Summer course for 1904.** The eighth session of the summer course began Thursday, May 19, ending Thursday, June 30. There were 15 students from 6 states. New York led with 9, Michigan sent 2 and California, Indiana, Maryland and Virginia 1 each.

12 students received the Regents certificate for completing the work satisfactorily and passing the examination. 7 of the 12 certificates were issued with honor. 2 of the other students received letters certifying to satisfactory completion of the reference work, 1 having passed the examination with honor.



The plan so successfully started in 1903, of specializing in some one department of library work, for the first year cataloguing and classification, was continued, this year reference work and bibliography being given. The executive work of the school was in charge of Miss Corinne Bacon, who has done Miss Sutliff's work in the two years course during her leave of absence. The course in bibliography was in charge of W. S. Biscoe, senior librarian, who gave 12 lectures on national and 14 on subject bibliography. The principal instruction in reference work was given by D. V. R. Johnston, reference librarian, who gave 18 lectures, supplemented by 3 lectures by G. G. Champlin, assistant reference librarian, and 10 by Miss M. E. Hazeltine, librarian of the James Prendergast Free Library, Jamestown N. Y. A number of miscellaneous lectures brought students in touch with other faculty members and increased their general knowledge of library work. The students heard W. H. Brett, alumni lecturer, on the relations of the public library and the library school to other educational activities, E. G. Routzahn on the relation of libraries to civic improvement, and the following visiting librarians: A. L. Peck, book buying, Gloversville Free Library; Miss A. B. Kroeger, reference work, place of the library in technical education; Miss C. M. Hewins, Hartford Public Library, children's books which librarians can not afford not to know (3 lectures); Miss C. W. Hunt, Brooklyn Public Library, the successful children's librarian, planning and equipment of the children's room, selection of books for the children's room.

Students interested in special subjects omitted or briefly touched in the course, such as traveling libraries, work for the blind, book mending, picture bulletins, etc. were given every facility for obtaining fuller information. At the close of the summer session the class addressed a letter to the faculty expressing their satisfaction with the course.

**Summer course for 1905.** The success of the rotation courses in 1903 and 1904 abundantly justifies their continuance. The summer course for 1905 will be on library administration and opens Thursday, May 18 and closes Friday, June 30. The 90 exercises of the 6 weeks will be devoted to the most important topics in practical administration, omitting (except for summaries of guiding principles to serve as a brief review) the three great special subjects to which the other years are devoted, i. e.

- 1 Cataloguing and classification
- 2 Reference work and bibliography
- 3 Selection of books and reading

**Faculty.** Miss Mary L. Sutliff, one of the most successful



teachers we have ever had on our faculty, was compelled to suspend her work last year and get the change afforded by the climate of California. Her work was so highly successful that students, alumni and colleagues on the faculty are of one mind in holding that she is still connected with the school and only taking a temporary leave of absence. We were fortunate in having on the staff Miss Corinne Bacon, Library School 1903, who made a special study of the Library of Congress cataloguing with Miss Sutliff and was intimately associated with her in revising the catalogue work of our own students. Miss Bacon was for seven years first assistant in the New Britain Institute Library. In addition to these special qualifications, Miss Bacon has shown unusual skill as a teacher, so that the work of the school has gone on better than we dared to hope in the absence of a favorite teacher of long standing.

The faculty is now as follows:

Melvil Dewey, *director*. Library administration 1884-

Mrs Salome Cutler Fairchild, *vice director*. Selection of books, American libraries, loan department 1887-

Florence Woodworth, *director's assistant*, 1889-

Walter S. Biscoe. Bibliography, advanced classification, history of libraries and printing 1887-

Ada A. Jones, *secretary of faculty*. Advanced cataloguing 1889-

Dunkin V. R. Johnston. Reference, book binding 1890-

May Seymour. Library editing and printing 1890-

William R. Eastman. Library buildings, founding and government 1895-

Martha T. Wheeler. Indexing 1895-

Ada Bunnell. Elementary classification 1898-

Corinne Bacon. Cataloguing, accession, shelf department; also in charge summer course 1903-



**Lectures 1904.** Aside from the faculty, 24 persons gave 58 lectures as follows, to students of the two year course. Other lectures intended specially for the summer course are noted on p. 445.

LECTURER	POSITION	NO. LEC.	SUBJECTS
Avery, Myrtilla.....	director's ass't N. Y. State Home Education	1	N. Y. State Home Education
Bailey, A. L.	subl'n N. Y. State Library	1	Binding records
Blanchard, Grace....	pub. lib'n Concord N. H.	1	Mainspring of success in library work
		1	Suggestions for college graduates entering the library profession
Brett, W: H.....	pub. lib'n Cleveland O.	3	Relations of the public library and the library school to other educational activities
Christman, Jenny L.	cataloguer N. Y. State Library	2	Cataloguing periodicals
		7	Accession department
		7	Shelf department
Dana, J: C.....	pub. lib'n Newark N. J.	1	Art in general and printing as an art
		1	Bookmaking and library printing; also, a librarian's friends
Fletcher, W: I.....	lib'n Amherst College	1	Qualities of a successful librarian
Gould, C: H.....	lib'n McGill Univ.	1	Library interests in Canada
Griswold, S. B.....	N. Y. State law lib'n	1	Law libraries
		1	Law books for public libraries
Hewins, Caroline M..	pub. lib'n Hartford Ct.	3	Children's books
Hill, F. P.....	pub. lib'n Brooklyn N. Y.	2	Library administration
Hopkins, A. H.....	pub. lib'n Louisville Ky.	1	The library, the museum and the new education
Hunt, Clara W.....	sup't children's dep't. Brooklyn Public Library	1	The successful children's librarian
		1	Planning and equipment of the children's room
		1	Selection of books for the children's room
Kent, H: W.....	lib'n Grolier Club, New York	1	What constitutes a well-made book?
Kroeger, Alice B....	lib'n Drexel Institute.....	1	Reference work
		1	Place of the library in technical education
Laer, A. J. F. van...	archivist N. Y. State Library	1	Manuscripts in the State Library
Peck, A. L.....	lib'n Gloversville (N. Y.) Free Library	1	Book buying
Plummer, Mary W..	director Pratt Institute Library School	2	Poetry for children
Putnam, Herbert....	librarian of Congress	1	Qualities of a successful librarian
Richardson, E. C....	librarian Princeton Univ.	2	Books and libraries in the 13th century
Routzahn, E. G.....	field secretary American League for Civic Improvement	1	Relation of libraries to civic improvement
Sharp, Katharine L..	head lib'n Univ. of Illinois	2	College library administration
		2	Evolution of the book
Thacher, J: B.....	author	1	Autographs and prints illustrating the French Revolution
Wyer, J. I. jr.....	lib'n Univ. of Nebraska	4	Government documents

**Full course students 1904.** The classes for the year were:

**Seniors, class of 1904**

Barker, Beatrice J., Providence R. I. Ph.B. (Brown) 1895

Clarke, Mary Reynolds, Whitinsville Mass. Wellesley 1876-78; Smith 1879-80

Goodrich, Nathaniel Lewis, Utica N. Y. B.A. (Amherst) 1901

Groves, Charlotte Elizabeth, Alfred N. Y. B.A. (Wilson) 1899

Ketcham, Ethel Belden, Dover Plains N. Y. B.A. (Radcliffe) 1899

Leupp, Harold Lewis, New York, B.A. (Cornell) 1902

McCollough, Ethel Farquhar, Franklin Ind. Ph.B. (Franklin) 1901

McKay, Mabel, Dunkirk N. Y. Vassar 1898-1900

Mumford, Rosalie, Detroit Mich. Vassar 1894-96



Pearson, Edmund Lester, Newburyport Mass. B.A. (Harvard) 1902  
 Peck, Harriet Rosa, Gloversville N. Y. B.L. (Mt Holyoke) 1902  
 Reed, Lois Antoinette, Rochester N. Y. University of Rochester 1900-2  
 Rose, Ernestine, Bridgehampton N. Y. B.A. (Wesleyan) 1902  
 Saleski, Mary Agnes, New York, B.A. (Wesleyan) 1900  
 Tweedell, Edward David, Providence R. I. Ph.B. (Brown) 1900

### Juniors, class of 1905

Abraham, Frederika, Rutland Vt. B.A. (Vermont) 1903  
 Attwill, William Henry, Arlington Mass. Mass. Inst. of Technology 1882-85;  
 B.S. (Harvard) 1900, postgraduate course 1900-1  
 Avery, Maurice Hussey, Nashua N. H. B.A. (Dartmouth) 1903  
 Beal, Minnie Martha, Ypsilanti Mich. Graduate Michigan State Normal  
 Col. 1893; B.A. (Michigan Univ.) 1901  
 Beattie, Mabelle Benton, Buffalo N. Y. B.A. (Washington State Agricultural  
 Col.) 1901; M.A. (Hiram) 1903; B.A. (Nebraska) 1904  
 Blanchard, Alice Arabella, Montpelier Vt. B.L. (Smith) 1903  
 Craig, Clara Louisa, Lincoln Neb. B.A. (Nebraska) 1903  
 Cruikshank, Alice Dorothy, Goshen N. Y. B.A. (Smith) 1902  
 Dunham, Mary Eleanor, Richmond Ind. Univ. of Colorado 1895-96; B.A.  
 (Indiana) 1898; Yale Univ. Graduate School 1899-1901  
 Eastwood, Mary Edna, Albany N. Y. B.A. (Vassar) 1899  
 Eaton, Annie Thaxter, New York, B.A. (Smith) 1903  
 Ernst, Marie Antoinette, Watertown Wis. Northwestern Univ. Watertown  
 Wis. 1892-96; B.A. (Wisconsin) 1897  
 Frost, Elizabeth Rollins, Dover N. H. B.L. (Smith) 1903  
 Gillette, Fredericka Botsford, Ann Arbor Mich. B.A. (Michigan) 1903  
 Gilson, Marjary Lawrence, Winthrop Me. B.A. (Smith) 1902  
 Goodwin, John Edward, Madison Wis. B.L. (Wisconsin) 1901  
 Groves, Mary Mann, Coudersport Pa. B.A. (Wilson) 1903  
 Hansen, Nicholas, Minneapolis Minn. B.A. (Minnesota) 1903  
 Harron, Mrs Julia (Scofield), Penn Yan N. Y. B.A. (Vassar) 1897  
 Hirshberg, Herbert Simon, Brookline Mass. B.A. (Harvard) 1900  
 Hygen, Dorthea Helene, Kristiania Norway, Ph.B. (Det Kongelige Norske  
 Frederiks Univ. Kristiania) 1890  
 Jewett, Walter Kendall, Pittsfield Mass. B.A. (Brown) 1891; M.D. (Har-  
 vard) 1895  
 Linn, Mrs Frances (Burns), Brooklyn N. Y. B.A. (Ohio Wesleyan) 1893  
 McKee, Alice Doty, Aurora O. Ph.B. (Berea) 1903  
 Mitchell, S. Louise, Kenosha Wis. Ph.B. (Lake Forest) 1886  
 Mitchell, Sydney Bancroft, Montreal Canada, B.A. (McGill) 1901, M.A. 1904  
 Nerney, May Childs, Albany N. Y. B.A. (Cornell) 1902  
 Perkins, William Abbott, Lynn Mass. B.A. (Bowdoin) 1883, M.A. 1886;  
 Yale Divinity School 1885-86; graduate Andover Theological Sem. 1888;  
 Harvard Univ. Graduate School 1892-93  
 Post, Aurelian, Clinton N. Y. B.A. (Hamilton) 1891, M.A. 1899; B.D. (Yale  
 Divinity School) 1894, postgraduate course 1894-95  
 Riggs, Alice Winifred, Pittsburg Pa. Ph.B. (College for Women of Western  
 Reserve Univ.) 1901  
 Solis-Cohen, Leon M., New York, B.S. (College of the City of New York) 1899  
 Vogleson, Helen Elizabeth, Columbiana O. Lake Erie Col. 1898-1900; B.A.  
 (Mt Holyoke) 1903



Wright, Rebecca Whitney, Montpelier Vt. B.A. (Radcliffe) 1903

Wynkoop, Asa, New York, B.A. (Rutgers) 1887; graduate Union Theological Sem. 1892; fellow in philosophy, Columbia Univ. 1892-94; Marburg (Germany) Univ. 1902

**Summer course students 1904.** The 15 students of the eighth summer course were:

Davison, Carolina Virginia, assistant catalogue dep't Enoch Pratt Free Library, Baltimore

Eldred, Helena, Vassar College, 1901-3 assistant librarian Battle Creek (Mich.) Public Library

Flattery, Amanda Moore, Detroit Mich. B.A. (Wooster) 1877

Johnston, Ursula K., temporary assistant Binghamton (N. Y.) City School Library

Lidgerwood, Ethel, assistant circulating dep't Montague branch, Brooklyn Public Library

McKnight, Grace Marion, assistant Cohoes (N. Y.) Public School Library

Meyer, Emma, librarian Delphi (Ind.) Public Library

Minor, Mrs Kate (Pleasants), assistant Virginia State Library

Otis, Mabel Louise Mary, cataloguer Williamsburg branch, Brooklyn Public Library

Peckham, Mary Cogswell, assistant Jamestown (N. Y.) High School Library

Prentiss, Mabel Emerton, librarian Pomona (Cal.) Public Library

Price, Carrie Rush, assistant Jamestown (N. Y.) High School Library

Reed, Elsie M. general assistant Bedford branch, Brooklyn Public Library

Van Zandt, Ethel Jean, assistant Pruyn Library, Albany N. Y.

Vaughan, Lelia M. librarian Schuylerville (N. Y.) Free Library. *5 weeks*

**Private instruction.** Special instruction was given this year to three students outside the school and library; i.e. to Miss Jane Brower, summer course 1899, librarian of the Albany (N.Y.) Free Library, and Miss Augusta Berchman Walsh, summer course 1901, librarian of the Pine Hills branch, Albany Free Library, in elementary cataloguing and elementary dictionary cataloguing, December 1903 to March 1904, and to William Evans Jenkins B.A. (Indiana) 1891, M.A. (Stanford) 1894, under appointment as librarian of Indiana University, in classification, bibliography, cataloguing and dictionary cataloguing, January to May 1904.

**Staff instruction.** 21 State Library assistants increased their efficiency by taking courses in the school, on their own time. The library makes no charge for such tuition as it benefits so directly by the increased usefulness of the staff members. 19 courses were chosen.



COURSES	MEM- BERS OF STAFF	COURSES	MEM- BERS OF STAFF
Elementary bibliography.....	4	Senior seminar.....	1
Elementary selection of books.	1	Advanced bibliography.....	1
Elementary cataloguing.....	6	Advanced selection of books..	2
Elementary dictionary cata- loguing.....	4	Library buildings.....	3
Elementary classification.....	7	Advanced cataloguing.....	1
Elementary reference work....	3	Advanced dictionary cata- loguing.....	2
Loan department.....	3	Advanced reference work....	3
Binding.....	1	History of libraries.....	2
Shelf department.....	1	American libraries.....	1
Indexing.....	6		

**Positions.** Of a total of 1202 positions filled before Oct. 1, 1904, 503 have been in New York, 640 in 31 other states, 47 in the District of Columbia and 12 in 5 foreign countries. 94 new positions were filled by our graduates and students last year, 33 in New York, 51 in 15 other states, 7 in the District of Columbia, and 3 in Canada. Of 24 positions now filled by Library School students in Washington 11 are in the national library, including 1 appointment made this year.

12 Library School students took the state civil service examination held Feb. 27 for positions as State Library assistants and 15 took that held May 21. Of these 5 have been appointed.

Positions filled 1904

<i>Name and class</i>	<i>Position</i>	<i>Institution and place (unless implied)</i>
<b>1888</b> Plummer, Mary W.	lecturer on history of libraries lecturer	Wisconsin Summer School for Library Training Winona (Ind.) School for Li- brarians
<b>1889</b> Prescott, Harriet B.	director apprentice class	Columbia University Library
<b>1891</b> Crawford, Esther	instructor in classification and cata- loguing	Western Reserve Univ. Library School
Dexter, Lydia A.	cataloguer	Brooklyn Public Library
<b>1892</b> Davis, Mary L. Robbins, Mary E.	assistant instructor assistant professor of library science director library department	Chautauqua Library School Simmons College, Boston Simmons College, Boston
<b>1893</b> Van Hoevenberg, Alma R.	cataloguer	Brewster (N. Y.) Public Library
<b>1895</b> Bowerman, G: F.	librarian	District of Columbia Public Li- brary
Champlin, G: G. Cone, Jessica G.	sublibrarian (reference and loan) classifier and cataloguer classifier and cataloguer assistant librarian	New York State Library Malone (N. Y.) District School Library Colgate Univ. Library West Virginia Univ.



Positions filled 1904 (*continued*)

<i>class</i>	<i>Position</i>	<i>Institution and place (unless implied)</i>
R.	assistant librarian	California State Library
D. fred A.	assistant cataloguer	New York State Library Worcester (Mass.) Free Public Library
fred E.	1st assistant Williamsburg branch librarian	Brooklyn Public Library Pratt Institute, Brooklyn
V. nce S.	in charge apprentice class senior assistant cataloguing dep't lecturer on public documents	Brooklyn Public Library Brooklyn Public Library Wisconsin Summer School for Library Training
urine	classifier and cataloguer	Moore Memorial Library, Greene N. Y.
J. F. es)	substitute librarian junior assistant cataloguing dep't	Newark (N. Y.) Public Library Brooklyn Public Library
L. t A.	librarian director library economy course librarian	Brockton (Mass.) Public Library Texas Univ. Cedar Rapids (Ia.) Free Pub- lic Library
.	assistant	Library of the Association of the Bar of the City of New York
e B. e	assistant Bedford branch cataloguer	Brooklyn Public Library Carnegie Library, Pittsburg Pa.
	reference librarian librarian and secretary of faculty	John Crerar Library, Chicago Meadville (Pa.) Theological School
M.	children's librarian and general as- sistant	Rosenberg Library Ass'n, Gal- veston Tex.
	librarian	General Theological Seminary, New York
a W.	instructor in reference work and bibliography	Winona (Ind.) School for Li- brarians
C.	instructor in trade and national bib- liography, order dep't, reference work	Western Reserve Univ. Library School
trude L.	assistant catalogue division library clerk, Bureau of Animal In- dustry	Library of Congress U. S. Department of Agriculture
	assistant librarian lecturer on reference work	John Crerar Library, Chicago Winona (Ind.) School for Li- brarians
el F.	classifier and cataloguer librarian Bureau of Entomology librarian and instructor	Nevada (Ia.) Public Library U. S. Department of Agriculture St. Stephen's College, Annan- dale N. Y.
ia H.	librarian instructor in cataloguing and classi- fication	Insurance Library Ass'n, Boston McGill Univ. Summer School in Library Economy
A. S.	librarian librarian	La Crosse (Wis.) Public Library South Bethlehem (Pa.) Public Library
ne tha I.	instructor scientific assistant in Library of Sci- ence	New York State Library School U. S. Department of Agriculture
R.	librarian	Levi Heywood Memorial Li- brary, Gardner Mass.
e E.	in charge Bureau of Chemistry Li- brary	U. S. Department of Agriculture
: M. M.	librarian cataloguer	Purdue University Gardner A. Sage Library, New Brunswick N. J.
lla R.	1st assistant librarian and instructor in library school	Drexel Institute, Philadelphia



## Positions filled 1904 (concluded)

<i>Name and class</i>	<i>Position</i>	<i>Institution and place (unless implied)</i>
Tweedell, E. D: Waters, Caroline E.	assistant classifier and cataloguer classifier and cataloguer	New York State Library Bellevue (O.) Public Library Private library of J. A. Wright, Bellevue O.
Whittlesey, Julia M.	cataloguer instructor in library dep't instructor in order and accession records, duplicates and gifts, se- rials, loan systems acting librarian	Paterson (N. J.) Public Library Simmons College, Boston Western Reserve Univ. Library School
Wyer, M. G. 1904		Iowa Univ.
Barker, Beatrice J. Dunham, Mary E. Emerson, Margaret A.	assistant 1st assistant instructor department of library economy	New York State Library Texas University Library Syracuse Univ.
Goodrich, N. L: Hyde, Mary E.	assistant proof reader and general assistant	New York State Library California Academy of Sciences Library, San Francisco
Leupp, H. L:	assistant assistant reference librarian	New York State Library John Crerar Library, Chicago
McCollough, Ethel F. Mumford, Rosalie	librarian assistant	Elwood (Ind.) Public Library N. Y. State Home Education Dep't
Peck, Harriet R.	assistant assistant instructor	Detroit Public Library Chautauqua Library School
Rose, Ernestine Spafford, Martha E.	1st assistant Wylie Av. branch assistant librarian cataloguer cataloguer cataloguer	Carnegie Library, Pittsburg Pa. Wesleyan Univ. Lenox (Mass.) Library Powers Library, Moravia N. Y.
Wead, M. Eunice Whitbeck, Mrs Alice (Grover)	assistant catalogue division assistant cataloguer  children's librarian	Paterson (N. J.) Public Library Library of Congress Mechanics Institute Library, San Francisco Berkeley (Cal.) Public Library
1905 Avery, M. H. Ernst, Marie A.	assistant cataloguer	Nashua (N. H.) Public Library Virginia Polytechnic Institute, Blacksburg
Gilson, Marjary L.	assistant	N. Y. State Home Education Dep't
Hansen, Nicholas Hirshberg, H. S.	assistant classifier and cataloguer assistant	New York State Library Morse Institute, Natick Mass. New York State Library
Hygen, Dorthea H. Mitchell, S. B.	assistant catalogue dep't instructor in reference and loan sys- tems cataloguer	Harvard Univ. Library McGill Univ. Summer School in Library Economy McGill Univ. Library
Mitchell, S. Louise Perkins, W. A.	assistant cataloguer indexer	Brooklyn Public Library A. L. A. Publishing Board, Bos- ton
Solis-Cohen, L. M.	classifier and cataloguer	U. S. Military Academy, West Point N. Y.
Vogleson, Helen E.	cataloguer	Paterson (N. J.) Public Library

**Publications.** The printing summary for 1904 shows that there were printed for the Library School 5 books, bulletins and hand-books, 16 blank forms (not including stationery) and 8 circulars, a total of 37,900 different copies.

The revised edition of the *Selection of Cataloguers Reference Books in New York State Library* issued in November owes much to the rare accuracy, patience and bibliographic skill of Miss Jennie D. Fellows (Library School '97) who had charge of editing. That this work is appreciated by others than students who use the list as a textbook, is shown by constant demands for the bulletin from many states.



**Chautauqua summer school.** The fourth session of the Chautauqua Library School of which the director of the New York State Library School is general director was held July 9-Aug. 19. Its work is briefly recorded in our general report because it gives (in our own state and under our director and a faculty of our graduates), the general short summer course which we no longer offer since adopting our rotation plan under which we give in four consecutive years (1) cataloguing and classification, (2) reference work and bibliography, (3) library administration, (4) selection of books and reading. The Chautauqua course thus takes the place of our general course.

There were 40 students from 13 states, 13 from New York, 7 from Pennsylvania, 5 from Ohio, 4 from Illinois, 2 each from Indiana and Texas and 1 each from Connecticut, Maine, Maryland, Michigan, Missouri, New Hampshire and South Carolina. In the four years this Chautauqua course has had 130 students representing 27 different states. The full list of the class is in *Library Journal*, Oct. 1904, 29: 547-48.

Miss M. E. Hazeltine, resident director of the school, was assisted by Miss M. E. Robbins, '92, director library department, Simmons College, Boston, Miss M. L. Davis, '92, instructor in cataloguing, Pratt Institute Library School and Miss H. R. Peck B.L.S. '04.

Lectures were also given by Mr and Mrs H. L. Elmendorf, W. R. Eastman, Miss M. E. Ahern, A. L. Peck, and the director of the state school.

The general course offered included accession department work, cataloguing, classification, bibliography and reference work as the major subjects, with special lectures on book selection and ordering, buildings and fittings, business relations and library administration.

A special course on care and cataloguing of maps was given by Miss Davis, and attendance on the lectures of Miss Marie Shedlock, in the regular Chautauqua lecture course, was required.

The following extract from the announcement circular gives admission requirements and expenses of the Chautauqua course:

*Admission.* The school does not assume to give a complete library course in six weeks, but aims to train those already in libraries for more efficient service. Therefore only those candidates are admitted who are already engaged in library work.

Entrance examinations are not required, but candidates are expected to have had a high school course or its equivalent, as the minimum basis of general education, and at least one year's successful experience in actual library work to enable them to under-



stand and profit by the technical instruction which will be beyond those without such preparation.

*Expenses.* Tuition fee is \$20 for the course, to which is added the regular gate fee of \$5 charged every one at Chautauqua to cover cost of an elaborate program of lectures, concerts, entertainments, etc. free to all. Necessary textbooks, note books, catalogue cards, and various technical fittings to be retained as personal property cost probably \$6-\$10. Good board can be had from \$7 a week upwards.

#### Calendar, 19th school year, 1904-5

1904		
Oct.	5	School opens Wednesday a.m.
Nov.	8	Election day, holiday, Tuesday
Nov.	23-28	Thanksgiving recess, Wednesday noon to Monday noon
Dec.	23	Christmas recess begins Friday a.m.
1905		
Jan.	4	Lectures begin Wednesday a.m.
Feb.	13	Lincoln's birthday holiday, observed Monday
Feb.	22	Washington's birthday, holiday, Wednesday
Mar.	29-31	Course examinations Wednesday-Friday
Ap.	4-17	Visit to New York, Philadelphia, Baltimore and Washington libraries
Ap.	18	Lectures begin Tuesday a.m.
May	18	Summer course begins Thursday a.m.
May	30	Memorial day, holiday, Tuesday
June	16-17, 20-22	Course examinations, Friday-Saturday, Tuesday-Thursday
June	23	School closes Friday p.m.
June	30	Summer course closes Friday p.m.

**Results of unification.** The first six months under the new law unifying the two state departments has brought only benefits to the Library School. The Board of Regents reduced from 23 to 11, now meets in the Commissioner's room, giving the students exclusive use of the 7th story lecture room. The walls have been hung with pictures of library buildings. Our great library museum has been transferred to light and airy quarters where anything needed can be immediately secured during school exercises, and where students can have ample opportunity for studying the collections. The rooms occupied for storage and repair of apparatus on the floors under the lecture room have been turned over to the library for greatly needed storage of books, thus doing away with the frequent annoyance from the noise of machine work during lectures.



While the school like the library will be constantly embarrassed till we have an adequate building, the year has been in a high degree successful. The spread of sympathy and helpfulness between faculty, staff and students, which has always been noticeable in the school, has never been more marked than in the past year, and experience has proved the wisdom of recent changes which raised the standard of admission and improved the work of the course at various points.

Respectfully submitted

MELVIL DEWEY

*Director*

*State Library, Dec. 1904*







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# NEW YORK STATE LIBRARY BIBLIOGRAPHIES

Mostly original text; graphic presented as Library School students as a contribution to graduation.

Volume 1 Cloth \$1.50, lacking no. 3, unbound \$1.25, lacking no. 3, 15-17

Bb 1 Guide to the Study of J. A. M. Whittier 10p. May 1895 24c

Bb 2-4 Colonial New England Travel in North America, History of the 17th Century 80p. July 1897 14c

Bb 5 8 Japan Venice Out-of-door Books 94p. Feb 1898, 19c

Bb 9 11 Netherlands, Renaissance Art; History of Latter Half of 15th Century 178p. Ap. 1898 15c

Bb 12 Best Books of 1897 28p. June 1898 {24c}

Bb 13 Fairy Tales for Children 30p. June 1898 {25c}

Bb 14 Index to Subject Bibliographies in Library Bulletins to Dec 31 1897 62p. Aug 1898 10c

Bb 15 Best Books of 1898 28p. May 1899 5c

Bb 16 College Libraries in the United States 52p. Dec 1899 10c

Bb 17 House Decoration and Furnishing 20p. Dec 1899 7c

Volume 2 cloth \$1.50; unbound \$1.25

Bb 18 Best Books of 1899 28p. May 1900 7c

Bb 19 Domestic Economy 144p. Jan 1901 14c

Bb 20 Commencement Letter History 114p. Dec 1900 15c

Bb 21 New York Colonial History 274p. Feb 1901 35c

Bb 22 China and the Far East 122p. Mar 1901 20c

Bb 23-27 Froebel and the Kindergarten, Reading List for Children's Librarians 92p. May 1901 15c. Bb 27 24p. 10c, 5c

Bb 28 Maine Local History 148p. June 1901 20c

Bb 29 Best Books of 1900 32p. July 1901 10c

Bb 30 Classification of \$5000 Library Recommended for Schools Ed. 3. 40p. July 1901 15c

Volume 3 50 cents to advance subscribers

Bb 31 Monopolies and Trusts in America 18p. Oct 1901 10c

Bb 32 Biography for Young People 60p. Nov 1901 15c

Bb 33 French Government Series 72p. Jan 1902 10c

Bb 34 Best Books of 1901 30p. June 1902 10c

Bb 35 Best Books of 1902 30p. July 1902 10c

Bb 36 Cataloguers Reference Books 180p. Nov 1902 25c

Bb 37 Best Books 1903 40p. July 1903 10c

Manuscript Bibliographies (the following indicated as at date of manuscript)

Phillips Brooks Hawthorne Ben Jonson Charles Kingsley Poems on Lincoln Grant Sherman and Sheridan J. L. Motley R. L. Stevenson Charles Sumner Bayard Taylor John W. Wainwright Members of A. L. A. List of Books for Children Higher Criticism of the Old Testament Christian Art Church History Church for Boys and Working Girls Single Tax Tramps and Vagrants Municipal Government Politics and Party Government in New York City New Philanthropy Education of Women Index to University Extension Periodicals English Works on King Arthur and the Round Table Household Economics Art of the 17th Century Some Famous Colonists 10 Popular Paintings Photography 1840-68 Wagnerian Music Drama Greek and Latin Plays Produced by Schools College and University in the United States Cycling Angling 1844-91 Minor American Poetry 1800-97 English Literature of Latter 18th Century Fiction for Girls Russian Poets Grounds for History and Travel English and American English Language Memoirs 1814 Literature Relating to the Hudson River Adirondack Mountains







New York State Education Department

No. 337

APRIL 1905

## New York State Library

MELVIN DEWEY Director

## Bulletin 93

## BIBLIOGRAPHY 38

## READING LIST ON ETHICS

SUBMITTED FOR GRADUATION

By

Frank Hayden Whitmore B.A. (Harvard) B.L.S. (N.Y.)  
New York State Library School

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## READING LIST ON ETHICS

### PREFACE

The aim has been to make the following list suitable for the beginner in philosophy and to include in it some of the notable books in the literature of ethics. So far as possible each title was chosen on the authority of reliable critics, and it is attempted to present under each subject a treatment which shall be at once temperate, authoritative and of recognized merit. The classification of the theories follows that given by J: H: Muirhead in his *Elements of Ethics*; the division "Field of Ethics," was suggested by Professor Palmer's book with the same title, but in the main the grouping follows the *Decimal Classification*; arrangement of theories under the several headings is chronologic.

FRANK HAYDEN WHITMORE

### ABBREVIATIONS

Abbreviations following main entries refer to the libraries in which the books were consulted or to the sources from which entries were taken. Call numbers (i.e. class and book number) are given for all books in the New York State Library even though the edition differs from that described in the list; class number only is given for books in the traveling collection. Books marked e have been personally examined, while e indicates that the edition examined is not the same as the one entered in the list.

The source of critical notes is given, whether quoted exactly or given in substance; unsigned notes are by the compiler. Volume and page numbers are separated by a colon: e. g. 3:145 means vol. 3, p. 145.

Abbreviations not self-explanatory are as follows:

B. P. L.	Boston Public Library
Bowdoin	Bowdoin College Library
Columbia	Columbia University Library
Harvard	Harvard University Library
Internat. Jour. of Ethics	International Journal of Ethics
Sidgwick	Sidgwick. Outlines of the History of Ethics. 1886
Stephen	Stephen. Dictionary of National Biography. 1885-1900
Wundt	Wundt. Ethical Systems. 1897



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- Annual Literary Index.** 1892-1901
- Bailey, T: B.** *comp.* Bibliographical References in Ethology. 1899  
(University of California. Library bulletin 13)
- Baldwin, James Mark, ed.** Dictionary of Philosophy and Psychology. v. 1.  
1901
- Bliss, W: D. P.** Encyclopedia of Social Reform. 1897
- Boston Athenaeum.** Catalogue. 1874-82
- Bowdoin College Library.** Card catalogue
- Bowker, R: R. & Iles, George.** Reader's Guide. 1891
- Brooklyn Ethical Association.** Program for season 1892-1893  
— Sociology. 1890
- Calkins, Raymond.** Substitutes for the Saloon; bibliography p.389-91.  
1901
- Columbia University Library.** Card catalogue
- Cumulative Index to Periodicals.** 1896-1902
- Fletcher, W: I:** 'A. L. A.' Index. 1893 and 1901
- Giddings, F. H.** Principles of Sociology; bibliography p.423-42. 1896
- Gustafson, Axel.** The Foundation of Death; bibliography p.513-77. 1885
- Harvard University Library.** Card catalogue
- Hyslop, J. H.** Elements of Ethics. 1895
- Koren, John.** Economic Aspects of the Liquor Problem; bibliography  
p. 313-22. 1899
- M'Clintock, Rev. John & Strong, James.** Cyclopedia of Biblical, Theological  
and Ecclesiastical Literature. 10v. 1880-83
- Mackenzie, J: S.** Introduction to Social Philosophy. 1890  
— Manual of Ethics. n. d.
- Matson, Henry.** References for Literary Workers. 1892
- Milwaukee Public Library.** Systematic Catalogue. 1885-86
- Muirhead, J: H:** Elements of Ethics; bibliography p.237-39. 1892
- Peabody Institute, Baltimore.** Catalogue. 1883-92
- Poole, W: F: & Fletcher, W: I:** Index to Periodical Literature. 1882  
— — Supplements. 1888-97
- Sargent, E. B. & Whishaw, Bernard.** Guide to Books. 1891
- Sonnenschein, W: S.** Best Books. 1891  
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- Thwing, C: F. & Mrs C. F. (Butler).** The Family; bibliography p. 203-8.  
1887
- Tolman, W: H. & Hull, W: I.** Handbook of Sociological Information. 1894
- Trueblood, B: F.** The Federation of the World; bibliography p.154-62.  
1899
- Weber, Alfred.** History of Philosophy; bibliography p.605-11. 1897
- Westermarck, Edward.** History of Human Marriage; bibliography p.551-79.  
1891



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### INTRODUCTORY MANUALS

**Mackenzie, John Stuart.** Manual of Ethics, designed for the use of students. Ed. 3. 456p. D. Lond. 1897. Clive 6/16. (Univ. Torres. College, Tutorial Ser.) Bowdoin 170.2 M191 e

old also by Hinds, \$1.50.

Mr Mackenzie's *Manual of Ethics* is not only a very good textbook for beginners, it is also likely to interest the general reader, and ought not to be neglected even by the specialist. It contains full and valuable references to every important question, and gives in an appendix "Hints on further reading" which ought to prove very useful to the genuine student. G. F. Stout in *Internat. Jour. of Ethics*, Oct. 1893, 4:120

**Muirhead, John Henry.** Elements of Ethics, an introduction to moral philosophy. 239p.D. N.Y. 1892. Scribner \$1. (Univ. Extension Manuals) Bowdoin 171 M89 e

published also by Murray, 3/.

This is the first attempt made in this country [England] to state in a popular way the main ethical doctrines of the English idealists. To all except experts the *Prolegomena* of the late Professor Green is a book seven times as good as this. . . and Professor Caird's ethical views are buried in his commentaries. It is with the hope of placing these authors within reach of "the beginner in philosophy," together with the greater writers of whom they are exponents, that Mr Muirhead wrote his book. Henry Jones in *Internat. Jour. of Ethics*, 1892, 3:113

### FIELD OF ETHICS

#### Esthetics and ethics

**Mer, George Herbert.** The Glory of the Imperfect, an address given at the first commencement of the Woman's College of Western Reserve University, Cleveland O. 1891. 29p.D. Bost. 1891. Heath 25c. Bowdoin e

sketches in a clear and convincing way the meaning of the moral life and shows that in human life "completeness of the parts," that which constitutes duty, is never reached.

**Mayana, George.** The Sense of Beauty, being the outlines of aesthetic theory. 275p. D. N.Y. 1896. Scribner \$1.50. Bowdoin 701 Sa5 e

Distinguishes between the moral demand for what ought to be "ideal perfection" and "the perception of beauty" being "the possession of that which is as it ought to be — real perfection." J. D. Logan in *Philosophical Rev.* Mar. 1897, 6:212

**Marp, Frank Chapman.** The Aesthetic Element in Morality and its Place in a Utilitarian Theory of Morals. 131p.O. N.Y. 1893. Macmillan 75c. Bowdoin e

An interesting attempt to determine the grounds of our esthetic judgments with regard to human conduct from the point of view of utilitarianism. The great defect of his essay is the almost total absence of sympathetic or historical point of view. John Watson in *Philosophical Rev.* July 1893, 2:499

#### Evolution and ethics

**Huxley, Thomas Henry.** The Romanes Lecture 1893; Evolution and Ethics, delivered in the Sheldonian Theatre, May 18, 1893. 57p. O. Lond. 1893. Macmillan 2/. Bowdoin 171.7 H98 e

Published also by Humboldt, 15c, and in Huxley's *Collected Essays*, v.9, London \$1.25.



Its interest lies chiefly in the fact that though written by one of the most enthusiastic of our biologic evolutionists, it entirely repudiates the idea that ethics can be founded on a mere study of the evolutionary process of animal life. J: S. Mackenzie in *Internat. Jour. of Ethics*, Oct. 1893, 4:126

**Schurman, Jacob Gould.** Ethical Import of Darwinism. 264p. D. Lond. 1888. Williams & Norgate 5/ Bowdoin 171.7 Sch 8 e

Published also by Scribner, \$1.50.

The object of the present volume is to distinguish between science and speculation in the application of Darwinism to morals. The results of evolutionary science in the domain of matter and in the domain of life are everywhere taken for granted; the philosophic and, more especially, the ethical theories currently associated with them are subjected to the most searching scrutiny I have been able to make. Preface, p. 8

### Law and ethics

**Hibben, John Grier.** Relation of Ethics to Jurisprudence. (*see* *Internat. Jour. of Ethics*, Jan. 1894, 4:133-60) Bowdoin 170.5 In8 e

Attempts "in the first place, to define accurately the proper spheres of the two sciences; secondly, to prove that the genesis of law discloses natural limitations of sovereign power which are ethical in their character; thirdly, to indicate the indirect and impalpable influence of existing ethical sentiment in creating, annulling and reforming law; and, finally, to examine several contributions to the solution of this problem from the sphere of international law." Book, p. 134

**Holland, Thomas Erskine.** Laws as Rules of Human Action. (*see* *his* *Elements of Jurisprudence*. 1895. p. 23-37) Bowdoin 340 e

Published by Clarendon Press (7th ed.) 402p. O, 10/6; also by Macmillan \$3.

Insists on the separation of ethics and jurisprudence. Grouping the moral sciences under the head of ethic the author dismisses them as foreign to the subject of jurisprudence.

### Political economy and ethics

**Ely, Richard Theodore.** Ethics and Economics. (*see* *his* *Social Aspects of Christianity*. 1889. p. 115-32) Bowdoin 261.6 El9 e

Published by Crowell, 132p.D, 90c.

Points out that the course of economic thought is largely in the direction of what ought to be and that the ethical conception of political economy harmonizes with recent tendencies in ethics.

**Wright, Carroll Davidson.** Relation of Political Economy to the Labor Question. 58p. S. Bost. 1882. Williams 60c. o.p?. Bowdoin 331 W931 e

Emphasizes the moral side of economics.

Reviewed in *Nation*, 31 Aug. 1882, 35:184

### Religion and ethics

**Fiske, John.** Through Nature to God. 194p. D. Bost. 1899. Houghton \$1. Bowdoin 210 F54 e

The adjustment of the human soul to God is the highest form of life: it implies a real relation of realities, a real adjustment of inner to outer, unless the principle of evolution, found valid in the sphere of the seen world, must not be extended to the sphere where one side of the relation lies beyond



human knowledge. Professor Fiske contends that this extension is inevitable. This is the passage through nature to God. R. A. Wright in *Internat. Jour. of Ethics*, Ap. 1900, 10:406

**Palmer, George Herbert.** *Ethics and Religion.* (see his *Field of Ethics*. 1901. p. 135-201) Bowdoin 170 P18 e

Published by Houghton, 213p. D, \$1.10 n.

Traces the affinities and divergences between ethics and religion. By itself ethics is imperfect and in order to become effective in life needs to be supplemented, in its finite field, by the infinite — religion.

**Watson, John.** *Christianity and Idealism, the Christian ideal of life in its relations to the Greek and Jewish ideals and to modern philosophy.* 216p. D. N.Y. 1897. Macmillan \$1.25. (Univ. of Cal. Philosophical Union. Publications, v. 2)

Bowdoin 201 W33 e

Professor Watson's thesis in chapter 1 — and this may perhaps be regarded as the main contention of the entire work — is that morality and religion are indissolubly connected. J. E. Creighton in *Philosophical Rev.* Sep. 1898, 7:532

### HISTORIES

**Bigge, Lewis Amherst Selby, ed.** *British Moralists; being selections from writers principally of the 18th century.* 2v. O. Ox. 1897. Oxford Univ. 18/. Harvard e

American price \$4.50.

An introduction of 59 pages outlines the tendencies of British thought of the period.

**Guyau, Marie Jean.** *La morale anglaise contemporaine: morale de l'utilité et d'evolution.*—420p. O. Par. 1879. Baillière 7fr 25c. Harvard e

Almost unqualified praise may be given to M. Guyau's chapters of exposition. His account is lucid, pleasant to read and accurate; in fact I do not know where else, even in English, so full and trustworthy an account of English utilitarianism is to be found. In so large a subject there are naturally points on which the reader may dissent from his judgment. F. Pollock in *Mind*, Ap. 1880, 5:281

**Jodl, Friedrich.** *Geschichte der Ethik in der Neueren Philosophie.* 2v. in 1, O. Stuttgart 1882-89. Cotta 10m. Harvard e

An admirable work which gives the first connected account of the history of modern moral philosophy. Paulsen's *System of Ethics* (1899), p. 179

**Lecky, William Edward Hartpole.** *History of European Morals from Augustus to Charlemagne.* 2v. O. N.Y. 1870. Appleton \$6. Bowdoin 170.9 L49 e

Mr Lecky's *History of European Rationalism* is the work which has done more than any other for his immediate reputation and to perpetuate his fame; but hardly less significant was his *History of European Morals from Augustus to Charlemagne*, which appeared in 1869. Surely something of Mr Lecky's praise of Gibbon's diligence may be credited to his own account, when what he did in four years is compared with what Gibbon did in 24. In this book as in the *Rationalism*, he had a thesis to maintain. Here it was the intuitive character of morality, and it was maintained at great length, its discussion consuming more than one third of his first volume. John White Chadwick in *Warner's Library of the World's Best Literature*. 1897. 15:8931

**Sidgwick, Henry.** *Outlines of the History of Ethics for English Readers.* 276p. D. Lond. 1886. Macmillan 3/6. (Macmillan's Manuals for Students) Bowdoin 170.9 S11 e



A revision and expansion of the author's article on "Ethics" in the *Encyclopaedia Britannica*.

The unity of the work is expressed in the qualification of its contents as meant for English readers. It is addressed to a public which may be assumed to wish a knowledge of the larger outlines of speculation on the ideas of right and wrong, good and evil, but which at the same time will probably take faint interest in those moralists whose theories do not form an integral part of the current stock of ethical ideas. William Wallace in *Mind*, Oct. 1886, 11:570

**Stephen, Leslie.** History of English Thought in the 18th Century. Ed. 2. 2v. O. N.Y. 1881. Putnam \$8. Bowdoin 192 St4 e

It is first of all, as the preface tells, a history of the Deistical movement; but for this it seemed necessary to describe the general theologic tendencies of the time, and, in order to set forth intelligibly the ideas which shaped those tendencies, it seemed desirable, again, to trace their origin in the philosophy of the time and to show their application in other departments of speculation. *Mind*, Jan. 1877, 2:130

**Wedgwood, Julia.** The Moral Ideal, a historic study. Ed. 2. 400p. O. Lond. 1889. Paul, T.T. & Co. 9/. Bowdoin e

A scholarly and comprehensive account of ancient ethical history, describing what the author calls the "history of human aspiration" in India, Persia, Greece, Rome and Alexandria. Rich in the literature as well as the philosophy of the period covered.

**Wundt, Wilhelm.** Facts of the Moral Life, tr. by J. H. Gulliver and E. B. Titchener. 339p. O. Lond. 1897. Sonnenschein 7/6.

170 W96 e  
— Ethical Systems, tr. by M. F. Washburn. 196p. O. Lond. 1897. Sonnenschein 6/. 170 W96 e

These two volumes contain translations of the first two parts of Wundt's *System der Ethik* as published in revised form in 1892; these two parts being the historical portion of the work, as distinguished from the constructive. S. H. Mellone in *Internat. Jour. of Ethics*, Ap. 1898, 8:382

### CHRISTIAN ETHICS

**Dorner, Isaac August.** System of Christian Ethics, ed. by A. Dorner; tr. by C. M. Mead & R. T. Cunningham. 616p. O. N.Y. 1887. Scribner \$3 n. Bowdoin e

Published also by T. & T. Clark, 14/.

The characteristic of his ethical system is its comprehensiveness of view. The realization of man's ethical worth in personal and social life, under the Gospel and within the kingdom of Christ, goes out beyond narrow and one sided theories to the completeness of the moral life in all its relations. George Harris in *Andover Rev.* Dec. 1887, 8:650

**Smyth, Newman.** Christian Ethics. 498p. O. N.Y. 1892. Scribner \$2.50. (Internat. Theol. Lib.) Bowdoin 171.1 Sm9 e

Published also by T. & T. Clark, 10/6.

An independent, thoughtful and competent book, popular in the best sense. Probably the best book available on the subject, but its style, though clear, is not free from a certain pretentiousness. Sonnenschein, *Reader's Guide*, p. 81

### THEORIES

#### Early intuitionism

**Cooper, Anthony Ashley, 3d earl of Shaftesbury.** Characteristics of Men, Manners, Opinions and Times, ed. by W. M. Hatch, with notes. v.1, O. Lond. 1869. Longmans 14/. o.p.

824.51 Jire

No more published.



The appearance of Shaftesbury's *Characteristics* marks a turning point in the history of English ethical thought. With the generation of moralists that followed, the consideration of abstract rational principles falls into the background, and its place is taken by introspective study of the human mind, observation of the play of the various impulses and sentiments. Shaftesbury is the first moralist who distinctly takes psychologic experience as the basis of ethics. Sidgwick, p. 186-87

**Butler, Joseph.** Works of Joseph Butler, sometime Lord Bishop of Durham; ed. by W: E. Gladstone. 2v. O. Ox. 1896. Clarendon Press 28/. Bowdoin 239 B972 e

Published also by Macmillan, \$7 n.

v. 1 Analogy of Religion

v. 2 Sermons

The famous *Analogy* is an endeavor to show that, as the particular frame of man reveals a supreme conscience, so the frame of nature shows a moral governor revealed through conscience. He maintains that the facts of observation fall in with the belief that this life is a probationary state where men are, as a matter of fact, under a system of government which encourages virtue as such and discourages vice, and therefore imply the probability that in a future life there will be a complete satisfaction of the claims of justice. Stephen, 8:71

**Smith, Adam.** Theory of Moral Sentiments, with a biographical and critical memoir of the author by Dugald Stewart. New ed. 538p. D. Lond. 1887. Bell 3/6. (Bohn's Lib.) Bowdoin 170 Sm53 e

With Adam Smith the development of the earlier English ethics closes and at the same time culminates. The psychologic analysis of morals which Hume began, Smith completes with a command of the subject wonderful considering the state of psychology in his age; while at the same time he frees it from the heterogeneous elements of the intellectual ethics, which Hume had failed to master. Wundt, p. 82

**Kant, Immanuel.** Critique of Practical Reason, and other works on the theory of ethics; tr. by T: K. Abbott. Ed. 3 enl. 368p. por. O. Lond. 1883. Longmans 12/6. Bowdoin 171 e

The moral law is for Kant an a priori law valid *prior* to and independent of all empirical application. Starting from this standpoint he obtains his formula: "So act that the maxim of thy will might serve at the same time as a principle of universal legislation." Since this law is a priori, and hence independent of the special conditions of its empiric application, it is for Kant a *categoric imperative*, an unconditional command of duty, which can not be made to depend on any utilitarian or other considerations. Wundt, p. 114

### Later intuitionism

**Price, Richard.** Review of the Principal Questions and Difficulties in Morals. Ed.2. 462p.O. Lond. 1769. Cadell 7/. o.p. 171 P93 e

When we turn to the subject matter of virtue, we find that Price, in comparison with More or Clarke, is decidedly laxer in accepting and stating his ethical first principles; chiefly because he (like Reid and Stewart afterward) appeals to common sense rather than abstract reason as the judge of moral evidence. Sidgwick, p. 215

**Reid, Thomas.** Philosophical Works, ed. by Sir W. Hamilton. 2v. O. Lond. 1862. Longmans 30/. 192.5 J e

The truth is that the construction of a scientific method of ethics is a matter of no practical moment to Reid, since he holds that "in order to know what is right and what is wrong in conduct, we need only listen to the dictates of conscience when the mind is calm and unruffled." He does,



however, expressly recognize that the conscience of an individual may err, and holds that in this case he is morally right in acting in accordance with his erroneous judgment. Sidgwick, p. 219

**Stewart, Dugald.** *Philosophy of the Active and Moral Powers of Man*; rev. by James Walker. Ed. 10. 460p. D. Phil. 1868. Butler \$1.88. o.p. Bowdoin 192.6 S e

His account of the moral faculty is, in style and treatment, decidedly superior to Reid's; it is not, indeed, penetrating or profound; but it is a lucid, comprehensive and judicious attempt to put together the elements of truth in the views of preceding writers, including Shaftesbury and Adam Smith, into a harmonious and coherent statement of the results of impartial reflection on the moral consciousness. Sidgwick, p. 221

**Whewell, William.** *Elements of Morality including Polity.* Ed. 3. 2v. D. Lond. 1854. Parker 15/. o.p. Bowdoin 170 W57 e  
Now published by Bell, 15/.

Whewell's general moral view differs from that of his Scotch predecessors chiefly in a point where we may trace the influence of Kant—viz, in his rejection of self-love as an independent rational and governing principle, and his consequent refusal to admit happiness, apart from duty, as a reasonable end for the individual. Sidgwick, p. 222-23

**Calderwood, Henry.** *Handbook of Moral Philosophy.* 277p. O. Lond. 1873. Macmillan 6/. 171.2 C12 e

Presents the chief problems in ethical thought and gives an outline of discussion under each, allowing fundamental questions greatest prominence. The book is at the same time critical and expository—critical of the utilitarian view and written in defense of the intuitional theory.

**Martineau, James.** *Types of Ethical Theory.* Ed. 2. 2v. O. Ox. 1886. Clarendon Press 15/. Bowdoin 171 M36 e  
Published also by Macmillan, \$4.50.  
v. 1 is historical.

Dr Martineau considers that moral intuition is primarily concerned not with outward acts but with the comparative excellence of conflicting motives. Sidgwick, p. 224.

While its logic is the severest, yet on every page it glows with ethical enthusiasm. It presents Dr Martineau's own ethical doctrine, but this in relation with many other doctrines, and all in one vast organism of thought. A. W. Jackson, *James Martineau, a Biography and Study*, p. 108

**Laurie, Simon Somerville, anon.** *Ethica; or, The Ethics of Reason*, by Scotus Novanticus. 195p. O. Lond. 1885. Williams & Norgate 6/. Bowdoin e

The author refuses to accept any external result as the end and standard of action; self-realization, in a sense closely resembling the Aristotelian, is the answer he adopts to the question, What is the end of man—the good for man. Andrew Seth in *Mind*, Oct. 1885, 10:595

**Porter, Noah.** *Elements of Moral Science, Theoretical and Practical.* 574p. O. N.Y. 1885. Scribner \$3.

The author agreeing with moralists in general in maintaining that obligation supposes an obligee, differs with most of them in contending that this obligee is the individual himself, so that if there were but one person in the universe, he would be subject to moral law imposed by his own nature. J. P. Gordy in *Andover Rev.* Feb. 1885, 3:190

**Janet, Paul.** *Theory of Morals*, tr. from the latest French ed. 490p. O. N.Y. 1884. Scribner \$2.50. Bowdoin e

If it is desired to give any name to this doctrine—which is not unimportant for the sake of giving fixity to ideas—it might be called a sort of *rational*



*eudemonism*, opposed on the one hand to utilitarian eudemonism, and on the other hand to the too abstract formalism of Kant's morality, yet at the same time reconciling the two. Preface, p. 8

### Egoistic hedonism

**Hobbes, Thomas.** Elements of Law, Natural and Politic, ed. with a preface and critical notes by Ferdinand Tönnies, to which are subjoined selected extracts from unprinted mss of Thomas Hobbes. 226p. O. Lond. 1889. Simpkin 8/6. Bowdoin e

Substance of the present volume was formerly known in the shape of two separate treatises, *Human Nature* and *De corpore politico*.

For Hobbes, the natural moral law consists in a correct weighing of the beneficial or harmful consequences of an act. A breach of the law is therefore an error of the understanding merely; it can proceed only from false deduction, since nobody intentionally acts contrary to his own advantage. Wundt, p. 56

**Mandeville, Bernard, anon.** Fable of the Bees; or, Private Vices, Publick Benefits. Ed. 3. 2v. O. Lond. 1824. Tonson o.p. Bowdoin 301 M31 e

Quoted by Lowndes for 13/.

Mandeville gave great offense by this book, in which a cynical system of morality was made attractive by ingenious paradoxes. Assuming with the ascetics that human desires were essentially evil and therefore produced "private vices," and assuming with the common view that wealth was a "public benefit" he easily showed that all civilization implied the development of vicious propensities. Stephen, 36:21-22

### Utilitarianism

**Plato.** Dialogues, tr. into English with analyses and introductions by Benjamin Jowett. Ed. 3. 5v. O. N. Y. 1892. Macmillan \$20. Bowdoin 888.4 K e

English price £4 4/.

Plato's philosophy rests wholly and entirely on an ethical basis. Moreover, his theoretic view of the world is determined by ethical ideas and requirements. Taking his stand on the Socratic law that virtue is knowledge, he makes it his task to give the ethical concept of the good the central position in an all-embracing theory of the universe. Here, in the first instance, the question arises as to how the good itself is to be defined; a question which Socrates had not answered, since he was only concerned in pointing out the good in single instances. The earliest Platonic dialogues are occupied with this question, and the answers given to it vary within the limits of the national way of looking at things. Wundt, p. 10

**Aristotle.** The Nicomachean Ethics of Aristotle, tr. with an analysis and critical notes by J. E. C. Welldon. 352p. D. N. Y. 1897. Macmillan \$2. Bowdoin 888.5 Q1w e

English price 7/6.

On the whole there is probably no treatise so masterly as Aristotle's *Ethics* (Nicomachean) and containing so much close and valid thought, that yet leaves on the reader's mind so strong an impression of dispersive and incomplete work. It is only by dwelling on these defects that we can understand the small amount of influence that his system exercised during the five centuries after his death, in which the schools sprung from Socrates were still predominant in Greco-Roman culture; as compared with the effect which it has had, directly or indirectly, in shaping the thought of modern Europe. Partly, no doubt, the limited influence of the "Peripatetics" (as Aristotle's disciples were called) is to be attributed to that exaltation of the purely speculative life which distinguished the Aristotelian ethics from other later



systems, and which was too alien from the common moral consciousness to find much acceptance in an age in which the ethical aims of philosophy had again become paramount. Sidgwick, p. 69

**Locke, John.** Philosophical Works, ed. with a preliminary essay and notes by J. A. St John. 2v. por. D. Lond. 1894. Bell 7/. (Bohn's Lib.) Bowdoin 150 L791 e

In this conception of the moral motive as of the moral end, Locke returns in essentials to the views of Hobbes. For him the moral motive is self-love; the end of morality is the welfare of the whole, which is made up of the welfare of all individuals. Wundt, p. 65

**Hume, David.** Philosophical Works, ed. with introd. by Prof. T. H. Green and T. H. Grose. 4v. O. Lond. 1882. Longmans 56/. Bowdoin e

American price \$10.

Hume's ethical view was finally stated in his *Inquiry into the Principles of Morals* (1751) which is at once more popular and more purely utilitarian than his earlier work. I think, however, that Hume's view as to the origin of justice can not easily be understood from the later treatise alone. In the treatise on *Human Nature* he agrees broadly with Hobbes as to the original connection of justice with self-interest, and holds, like Hobbes, that all its obligations are conditional on the existence of an established social order which it is the individual's interest to maintain. Sidgwick, p. 201

**Paley, William.** Principles of Moral and Political Philosophy. Ed. 15. 2v. O. Lond. 1804. Faulder o.p. Bowdoin 170 P17 e

He is an unrivaled expositor of plain arguments, though he neither showed nor claimed much originality. His morality is one of the best statements of the utilitarianism of the 18th century. Stephen, 43:105

**Bentham, Jeremy.** Introduction to the Principles of Morals and Legislation. 336p. O. Ox. 1876. Clarendon Press 6/6. 340.1 B44 e

It is on this work and not on the *Deontology* that an estimate of Bentham's views should be based. In the latter work, published after Bentham's death and composed of fragments which were found among his papers, it is impossible to discriminate what is due to his editor and what to himself. Wilson and Fowler, *Principles of Morals*, 1:100

**Mill, John Stuart.** Utilitarianism. New ed. 149p. S. Bost. 1899. Small 50c. Bowdoin 171.5 e

The most unqualified subordination of private to general happiness was advocated by J. S. Mill, who has probably done more than any other member of the school to spread and popularize utilitarianism in both ethics and politics. Sidgwick, p. 234

**Bain, Alexander.** Mental and Moral Science, a compendium of psychology and ethics. 751p. D. Lond. 1868. Longmans 10/6. B. P. L. e

A view of the origin of moral sentiments, broadly similar to Mill's, is maintained by Mr Bain and by other writers of the same school. All agree in representing the conscience of any individual as naturally correlated to the interests of the community of which he is a member, and thus a natural ally in enforcing utilitarian rules, or even a valuable guide when utilitarian calculations are difficult and uncertain. Sidgwick, p. 241

**Sidgwick, Henry.** Methods of Ethics. Ed. 4. 522p. O. Lond. 1890. Macmillan 14/. Bowdoin 171 Si 1 e

American price \$3.50.

Mr Sidgwick's book has the advantage of supplying not only the best state-



ment of the modern utilitarian point of view, but also the best criticism of intuitionism. J: S. Mackenzie, *Manual of Ethics*, p. 440

**Hodgson, Shadworth Hollway.** Theory of Practice, an ethical inquiry in two books. 2v. O. Lond. 1870. Longmans 24/.  
Bowdoin 171 H66 e

The fundamental position is that every phenomenon has two elements—the formal element, which is time and space; the material element, which is feeling. Under feeling, action is included. Time and space having been treated in a former work, the present completes the subject by offering a logic of feeling and action. To this antithesis of the two inseparable elements of consciousness—namely feeling as the matter, and a cognitive framework or form—the author attributes a capital importance, and it reappears again and again in every fresh discussion. *Saturday Rev.* 15 Oct. 1870, 30:496

**Fowler, Thomas.** Progressive Morality, an essay in ethics. 201p. O. Lond. 1884. Macmillan 5/. B.P.L. o80 H88 v.6 e

This book is "an attempt to exhibit a scientific conception of morality in a popular form and with a view to practical applications rather than the discussion of theoretic differences." The book appears to me in style and manner of the treatment excellently adapted for the purpose for which it is primarily intended. Sidgwick in *Mind*, Ap. 1885, 10:266

**Gizycki, G. von.** Student's Manual of Ethics, adapted from the German by Dr Stanton Coit. 304p. O. Lond. 1889. Sonnenschein 6/.  
Harvard e

It is an exposition and defense of utilitarianism, with such modifications and expansions of that doctrine as seem to the author to be necessary to its acceptance and influence. "Moral philosophy," he says, "is a science for everybody." Indeed, if it concerns one more than another, it must be the man of the world by whose acceptance or neglect every moral doctrine must at last become fruitful or futile. We have here a work on the first principles of moral philosophy; it is not an attempt to pursue the subject far into its ramifications, nor to apply it to casuistry. *Mind*, Ap. 1889, 14:278-79

### Evolutionary ethics

**Darwin, Charles.** Descent of Man and Selection in Relation to Sex. 2v. O. N.Y. 1871. Appleton \$3. Bowdoin 575 N1 e  
Ch. 1-5 and 21.

The gist of his theory of evolution lies in the doctrine that qualities accidentally arising in the struggle for existence, which are *useful* to the species affected, are preserved and strengthened. Among the qualities thus developed by natural selection are the social instincts. Morality is, in a single word, the social instinct controlled by intelligence. Wundt, p. 153-55

**Spencer, Herbert.** The Data of Ethics. 288p. O. N.Y. 1890. Appleton \$1.25. Bowdoin 171.7 Sp3 e

In accordance with the principle of adaptation, he regards the moral as identical with the useful, and the latter as identical with that which is adapted to existing conditions of human life. Since these conditions are variable, moral ideas are in a state of constant flux; and there is no such thing as absolute laws, valid for all times. Wundt, p. 155

**Clifford, William Kingdon.** Lectures and Essays, ed. by Leslie Stephen and Frederick Pollock. 2v. 2 por. O. Lond. 1879. Macmillan 8/6. B.P.L. 104 C61 e

An attempt to put morals on a scientific basis. His contribution to the subject is the idea of a "tribal self—more comprehensive and significant than the individual."



**Stephen, Leslie.** Science of Ethics. 462p. O. Lond. 1882. Smith, Elder 16/. Bowdoin 171 St4 e

The author of this book was formerly an orthodox utilitarian of the school of Bentham and J. S. Mill. He has tried to work out a statement of the fundamental ethical principles as they appear to an evolutionist. The book covers in part the ground already occupied by Mr Herbert Spencer's *Data of Ethics*; but it is the result of an independent investigation and treats the problem from a different point of view. *Mind*, Ap. 1882, 7:317

**Alexander, Samuel.** Moral Order and Progress; an analysis of ethical conceptions. 413p. O. Lond. 1889. Paul, T.T. & Co. 14/. (Eng. and Foreign Philos. Lib.) B.P.L. e

A very full, interesting and original discussion. The general position of the author is that of one struck with the convergence of idealistic and naturalistic ethics in the light of evolutionism. All that is true or solid in idealistic ethics is provided for, he thinks, in the biologic scheme. Robert Mackintosh, *From Comte to Benjamin Kidd*, p. 134

**Simcox, Edith.** Natural Law; an essay in ethics. 361p. O. Lond. 1877. Paul, T.T. & Co. 10/6. (Eng. and Foreign Philos. Lib.) Harvard 171 Si4 e

The argument is that the sense of obligation or bondage to law=the consciousness of subjection to a real, regular pressure, in certain fixed directions; that men are subject to such pressure from three different sources, resulting in a (general) necessary obedience to the injunctions of law, morality and religion. *Mind*, Ap. 1877, 2:280

**Höffding, Harald.** Ethik, eine Darstellung der ethischen Principien und deren Anwendung auf besondere Lebensverhältnisse, aus dem Dänischen übersetzt von F. Bendixen. 492p. Lpz. 1888. Reissland 8m.

Of all the more recent books on systematic ethics, I regard Professor Höffding's *Ethik* to be the best. Condensed as it is, it offers a completed whole, both in its treatment of philosophic principles and in its application of them. It is the work of a wise and good, a highly cultivated, and, in the best sense of the word, a modern mind. G. von Gizycki in *Internat. Jour. of Ethics*, Oct. 1890, 1:123

**Wundt, Wilhelm.** Principles of Morality and the Departments of the Moral Life, tr. by M. F. Washburn. 308p. O. Lond. 1901. Sonnenschein 7/6 Bowdoin 170 W96 e

Published also by Macmillan for \$2 n. This is part 3 of the *Ethik*.

Professor Wundt's doctrine is that morality is definable as the service of the general will, a will which, indeed, is nothing over and above the individuals which make up the race, for it consists of all those active tendencies which such individuals have in common. Frank Chapman Sharp in *Philosophical Rev.* May 1898, 7:301

**Baldwin, James Mark.** Social and Ethical Interpretations in Mental Development, a study in social psychology. 574p. O. N.Y. 1897. Macmillan \$1.75. Bowdoin 150 B193 e

English price 10/n.

So far as its ethical interest is concerned, it reminds the reader most readily of Professor Bain; but the argument is greatly improved and brought up to date. It is applied more broadly, and more justice is done to the part played by the individual in the process of moral growth. James Seth in *Internat. Jour. of Ethics*, Oct. 1898, 9:88



### Early idealists

**Spinoza, Benedict.** Oeuvres, tr. par Emile Saisset. 2v. D. Par. 1842. Charpentier 7fr. Bowdoin 193.9 Sp4 e  
v. 2 contains *Ethique*.

His metaphysics and epistemology are only preparatory and auxiliary to the ethical theory which is to crown the edifice of his system. Not only is a theory of ethics the end and aim of his work, but the ethical atmosphere which pervades it is the real source of his metaphysics. Next to the Platonic philosophy there is perhaps no system which bears such marked traces of having originated in ethical needs as does Spinoza's. Wundt, p. 92

**Cudworth, Ralph.** The true Intellectual System of the Universe . . . with a treatise concerning eternal and immutable morality; to which are added the notes and dissertations of Dr J. L. Mosheim, tr. by John Harrison. 3v. O. Lond. 1845. Tegg £1 7/ o.p. Bowdoin 239 C89 e

In reality this system is a later growth of scholastic intellectualism in protestant soil. Cudworth, like Hobbes, regards man as a purely rational being. Human reason is an emanation from the divine reason; moral ideas are innate truths. He thus reclaims for religious commands their unconditional supremacy over civil law, and the individual conscience. Wundt, p. 60

**Cumberland, Richard.** Philosophical Inquiry into the Laws of Nature . . . written originally in Latin . . . and tr. into English . . . by . . . John Towers . . . 597p. sq.Q. Dub. 1750. Powell 5/ o.p. Bowdoin e

Cumberland, in his conception of natural law as the voice of God, reaching consciousness by way of the natural development of reason and teaching man what is harmful or useful to him, is the precursor of the later *theologic utilitarianism*. Wundt, p. 62

**Clarke, Samuel, D. D.** Discourse concerning the Being and Attributes of God. Ed.9. 504p.D. Lond. 1738. Knapton o.p. Bowdoin 208 fC55 v.2 e

Just as God has given to nature unvarying laws which he never breaks, so, according to Clarke, he has given to all things a certain fitness to each other, in which their moral nature consists. Wundt, p. 66

**Hegel, Georg Wilhelm Friedrich.** Philosophy of Right, tr. by S. W. Dyde. 365p. O. Lond. 1896. Bell 7/6. Bowdoin e  
Published also by Macmillan, \$1.90.

Hegel places the source of morality not in the subjective but in the objective will, i. e. that impersonal power of the world-reason which is shared and actualized by individual wills. This general conception of morality revives in a broader spirit the fundamental thought of the Platonic politics, namely that the good can be obtained only in the state, and then not as the good of individuals but as a good which becomes objective in the political community itself. Wundt, p. 125

### Nineteenth century idealists

**Caird, Edward.** Critical Philosophy of Immanuel Kant. 2v. O. Glasgow 1889. Maclehose 32/. Bowdoin 193.2 D1 e  
Published also by Macmillan, \$7.50.

No work of the same value has appeared in the region of pure philosophy since the publication of the late Professor Green's *Prolegomena to Ethics*. The author has displayed extraordinary patience and industry in tracing every idea of Kant from its first imperfect presentation to its final form, and he has gone on to show the further development which it must receive if we



are to have a consistent and adequate theory. In these two volumes the reader will find a complete statement of the whole of Kant's philosophy, and a masterly criticism of it from the point of view of absolute idealism. John Watson in *Philosophical Rev.* Jan. 1892, 1:10

**Green, Thomas Hill.** *Prolegomena to Ethics*, ed. by A. C. Bradley. Ed. 2. 427p. O. Ox. 1884. Clarendon Press 12/6.

Bowdoin 170 G82 e

Deliberate study of the book, whatever the standpoint of the reader, must result in high commendation of it, as a work of unquestionable ability and great philosophic value. Additional reason for interest is found in the fact that it was generally known that Green had devoted himself to the problem, how Hegelian thought is to be reconciled with the scientific claims of the age, and specially with the theory of the evolution of being. H. Calderwood in *Mind*, Jan. 1885, 10:74

**Bradley, Francis Herbert.** *Ethical Studies*. 307p. O. Lond. 1876. King 9/. o.p. Harvard e

Reprinted in 1904, Stechert, \$4 n.

This book brought forth a searching criticism from J. H. Sidgwick (*Mind*, Oct. 1876, 1:545-49). It has, however, maintained a high place in the literature of idealism and is regarded as one of the best English interpretations of Hegelian thought.

**Sorley, W. R.** *On the Ethics of Naturalism*. 292p. D. Edin. 1885. Blackwood 6/. (Shaw Fellowship Lectures, 1884)

Bowdoin e

His teleologic view of evolution (which is not to be confounded with the old "external" teleology) leads him to affirm as the end of man "self-realization." The transition from the point of view of science to that of morality, which has been found not to be possible empirically, is possible transcendently through self-consciousness because "in self-consciousness we reach the element of identity between knowledge and action." T. Whittaker in *Mind*, Ap. 1886, 11:264

**Courtney, William Leonard.** *Constructive Ethics*, a review of modern philosophy in its three stages of interpretation, criticism and reconstruction. 318p. O. Lond. 1886. Chapman 12/. Harvard e

Whether the details of the Hegelian system be or be not accepted, the contention of the present work is that a properly constructed system of morals can only be reared on the foundation of absolute idealism. Preface, p. 14

I believe that ethics must be rationalistic, and that they must repose on a metaphysical system designed to elucidate the full contents of an absolute or universal. Preface, p. 16

**Royce, Josiah.** *The Religious Aspect of Philosophy*, a critique of the bases of conduct and of faith . . . 484p. D. Bost. 1887. Houghton \$2. Bowdoin 171 R81 e

The thought implied in this metaphysic of doubt is the positive form of the old negative saying that a thoroughgoing skepticism contradicts itself. But the problem of philosophy receives a new light from being put in this connection, and the thought is worked out with a freshness and independence of mind which make it original in the best sense. S. Alexander in *Mind*, Oct. 1885, 10:599

**Mackenzie, John Stuart.** *Introduction to Social Philosophy*. 390p. O. Glasgow 1890. Maclehose 10/6.

Bowdoin 301 M19 e

Published also by Macmillan, \$1.75.

The book itself is an expansion of the Shaw Fellowship Lectures delivered at the University of Edinburgh in Jan. 1889. It gives evidence of very wide



reading in many fields and the results are brought together with much labor and patience. He is of the neo-Hegelian school, largely indebted to Prof. Edward Caird in his metaphysics, to Green in his ethics, and to numerous writers of that school in his political economy. - W. F. Willcox in *Philosophical Rev.* Jan. 1892, 1:99

**Lotze, Rudolf Hermann.** Outlines of Practical Philosophy; dictated portions of the lectures of Hermann Lotze, tr. and ed. by G: T. Ladd. 156p. D. Bost. 1885. Ginn \$1. 170 L91 e

A considerable part of this volume is devoted to the discussion of matters which are customarily treated under the head of applied ethics. It is distinctly stated, however, that such particular problems are subordinated to those primary problems which come up for discussion under the titles of Ethical Principles and Moral Ideals (ch. 1 and 2). G: T. Ladd in preface, p. 8

**Dewey, John.** Outlines of a Critical Theory of Ethics. 253p. D. Ann Arbor 1891. Register Pub. Co. \$1.50. Bowdoin e

The Hegelian conception, both of the individual and the universal, informs the whole exposition. The "moral end or the good" is the "realization of individuality" by a "person" —i. e. by a being capable of conduct—a being capable of proposing to himself ends and of attempting to realize them. Josiah Royce in *Internat. Jour. of Ethics*, July 1891, 1:503

**Muirhead, J: H:** Elements of Ethics. 1892.

Full entry and note under Introductory manuals, p. 471.

**Paulsen, Friedrich.** System of Ethics, ed. and tr. from the 4th rev. and enl. ed. by Frank Thilly. 723p. O. N.Y. 1899. Scribner \$3. Bowdoin 170 P281 e

Professor Paulsen's work in many parts is masterly, rich in profound and fruitful thoughts and finely felt observations; and we must say that in spite of all objections which may be brought against it, it is one of the best German works in ethics. G. von Gizycki in *Internat. Jour. of Ethics*, Oct. 1890, 1:125

## STATE ETHICS

### Citizenship

**MacCunn, John.** Ethics of Citizenship. 148p.D. Glasg.1896. Maclehose 2/ Bowdoin 320 M13 e

This is a timely book. When we are being flooded in response to a popular demand with handbooks on the duties of citizenship, it is well to have the subject treated from a wider point of view by so competent a writer as Professor MacCunn has shown himself to be. J: H: Muirhead in *Internat. Jour. of Ethics*, Oct. 1894, 5:120

### Duties of public officers

**Bluntschli, Johann Kaspar.** Theory of the State. 1885. p.495-518. Bowdoin 320.1 B62 e

Published by Clarendon Press, 518 p. O, 12/6.

A standard German work. Indicates the relation between the state and its servants, the liberty of acceptance or refusal of office, and the obligations of an official to the community.

### Church and state

**Schaff, Philip, D. D.** Church and State in the United States; or, The American Idea of Religious Liberty and its Practical Effects, with official documents. 161p. O. N. Y. 1888. Scribner \$1.50. (Amer. Hist. Ass'n Papers, v.2, no. 4) Bowdoin 277.3 e



Discusses that part of the Constitution which protects us from the despotism of a state church, and guarantees to us the free exercise and enjoyment of religion, as an inherent, inviolable and inalienable right of every man. Book, p. 5

**Toynbee, Arnold.** The Ideal Relation of Church and State. (see his Lectures on the Industrial Revolution. 1887. p.231-36) Bowdoin 330 T66

Published by Longmans, 256p. O, 10/6.

Would substitute for the compulsory and older bonds between church and state, spiritual ones, making Christianity consist of a disposition of the mind.

### Peace and war

**Luther, Martin.** Can Soldiers be Christians? (see Open Court Sep. 1899, 13:525-45) Bowdoin 211 Op2

For a theoretic discussion from the religious point of view of the justification of warfare in general, the little pamphlet of Luther, *Can Soldiers be Christians*, is unsurpassed to this day. It has been admirably translated into English by Prof. W. H. Carruth. F. W. Holls in *Ruemelin Politics and the Moral Law*, p. 124

**Ruemelin, Gustav.** Politics and the Moral Law, tr. from the German by Rudolf Tombo, ed. by F. W. Holls. 125p. D. N.Y. 1901. Macmillan 75c n. Bowdoin 172 R86

Shows that in the historical development of politics and of the moral law there is a continual mutual *rapprochement* and that the fundamental basis of international ethics is the moral sense of the people themselves.

**Sumner, Charles.** The True Grandeur of Nations. (see his Works 1875-83. 1:1-132) Bowdoin 308 Su62

Published by Lee, 15v. O, \$45, \$3 a volume; also published separately, 75c.

An animated account of the horrors of war. Shows that war does not secure its professed object in determining justice between contending nations.

**Trueblood, B. F.** The Federation of the World. 162p. D. Boston 1899. Houghton \$1. Bowdoin 341 T76

Lectures delivered before the Meadville Theological School in 1897, c. the Adin Ballou foundation. Aims to show that a federation of the races ought to exist and that war ought to be abolished.

### FAMILY ETHICS

**Hegel, Georg Wilhelm Friedrich.** The Family. (see his Philosophy of Right. 1896. p.164-85)

Establishes the family on a monogamic foundation and shows that marriage is essentially an ethical relation, that provision for a common interest within the family takes on an ethical aspect and that the ethical or social dismemberment of the family must occur only when children have grown to be free personalities.

**Mackenzie, John Stuart.** The Family. (see his Introduction to Social Philosophy. 1890. p.315-19) Bowdoin 301 M19

Points out the danger of exclusive forms of association within the family and urges that the family life be considered as a preparation for a more complete form of union within the community.

### Marriage and divorce

**Convers, Duncan.** Marriage and Divorce in the United States; as they are and as they ought to be. 266p. D. Phil. 1889. Lippincott \$1.50/ Bowdoin 347.6 C76



Written to show that marriage and divorce are in an unsatisfactory condition in the United States. Opposes divorce.

**Hegel, Georg Wilhelm Friedrich.** *Philosophy of Right.* 1896. p.166-74. Bowdoin e

Rejects the view that marriage is a mere physical union and the view of Kant that it is a civil contract, as well as a third view that it is based on love, and defines it anew as a legal ethical love.

### Duties of husband and wife

**Gray, George Zabriskie.** *Husband and Wife; or, The Theory of Marriage and its Consequences, with an introd. by Rt. Rev. F. D. Huntington.* 132p.D. Bost. 1885. Houghton \$1.

Bowdoin e

An exposition of marriage from the standpoint of the church, with the obligations that it imposes, not of mutual consideration and kindness merely, in fulfilling a contract, but of protection on one side and deference on the other.

### Duties of children

**Adler, Felix.** *Moral Instruction of Children.* 27op. D. N.Y. 1892. (Internat. Educ. Ser. no. 21) Appleton \$1.50.

Bowdoin 377.2 Ad5 e

Both in system and in presentation it is thoughtful, sympathetic and practical. The book is not a manual for class use. It will be most valuable for those teachers who seek guidance but do not care for specific directions. Its great merit lies in its suggestiveness. Paul H. Hanus in *Internat. Jour. of Ethics*, Jan. 1893, 3:254

**Everett, Charles Carroll.** *Ethics for Young People.* 185p.D. Bost. 1891. Ginn 60c. Bowdoin 170 Ev2 e

Has the advantage of joining a great deal of picturesqueness and grace with suggestiveness and depth. The illustrations employed are often very attractive. The style is crystal clear. The volume ought surely to set a number of young people thinking. Josiah Royce in *Internat. Jour. of Ethics*, Ap. 1892, 2:384

### Masters and servants

**Tolstoi, Lyof Nikolaievitch, count.** *Master and Man*, tr. by A. H. Beaman, with an introd. by W. D. Howells. 165p. D. N.Y. 1895. Appleton 75c. Bowdoin 891.73 T58m e

He teaches here as everywhere, that no one can be happy to or for himself but only in serving another at his need. Introd. preface, p. 10

### PROFESSIONAL AND BUSINESS ETHICS

**Hale, Edward Everett, D. D.** *What Career; ten papers on the choice of a vocation and the use of time.* 271p. D. Bost. 1879. Roberts (now Little) \$1.25. Bowdoin 174 H13 e

*Contents:* The Leaders Lead; The Specialties; Noblesse oblige; The Mind's Maximum; A Theological Seminary; Character; Responsibilities of Young Men; Study outside School; The Training of Men; Exercise.

**Hamerton, Philip Gilbert.** *The Intellectual Life.* 455p. D. Bost. 1873. Roberts \$2. Bowdoin 374 H17 e

Now published by Little, \$1.50 n.

I have written for all classes, in the conviction that the intellectual life is easily within the reach of every one who earnestly desires it. Preface p.9. Written in the form of letters.



**Hubbard, Elbert.** *A Message to Garcia.* unp. nar.O. N.Y. 1900.  
 Distributed free by the N. Y. C. R.R. (Four Track Ser. no. 25)  
 Bowdoin 174 H86 e

Appeared originally in the *Philistine*, Mar. 1899. Presents in a vigorous way the demand in the business world for promptness and obedience. A protest against careless and half-hearted work.

### Clerical ethics

**Liddon, Henry Parry, D.D.** *The Moral Groundwork of Clerical Training.* (see his *Clerical Life and Work*. 1894. p.73-92)  
 Bowdoin e

Published by Longmans, 377p. O, \$2.

Sermon preached at the anniversary festival of Cuddleston College, June 10, 1873.

Takes issue with a school of thinkers who regard intellectual enterprise as the only requisite for religious teaching and adds to it the vital element of moral earnestness and enthusiasm.

### Medical ethics

**Mitchell, Silas Weir, M. D.** *Doctor and Patient.* 177p. D. Phil. 1888. Lippincott \$1.50.

Published also by Pentland, 6/.

Deals with the mutual relation of the physician and patient with a view to showing the physician's duty toward his patient. Reviewed in *Nation*, 5 Ap. 1888, 46:288

### Legal ethics

**Lecky, William Edward Hartpole.** *Moral Compromise in the Law.* (see his *Map of Life*. 1899. p.101-12) Bowdoin 170 L49 e

Published by Longmans, 328p. D, \$2.

Deals with the moral position of an advocate and his relation to his client.

### Business ethics

**Smiles, Samuel.** *Men of Business.* (see his *Self-help*. n.d. p.294-320) Bowdoin 374 Sm43 e

Enumerates with considerable fulness and illustration the qualities essential for success in the business world.

### Speculation

**Hubbard, George H.** *Ethics of Speculation.* (see *New Englander*, Jan. 1889, 50:43-51) Bowdoin 051 N421 e

Shows how the business of the speculator grows out of a desire to be hastily rich, and that the only legitimate wealth is gained by some means of production. Classes speculation and gambling together.

### Gambling

**Mackenzie, W. Douglas.** *Ethics of Gambling.* (see *Contemporary Rev.* Aug. 1891, 60:220-33) Bowdoin 052 C76 e

Maintains (1) that to deal with property on the principle of chance is immoral, (2) that to resign one's manhood on a mere chance is a dishonor to one's nature, and (3) that there is involved in the deed a relation to one's neighbor which is outside all thinkable moral relations.

**Oliphant, James.** *Ethics of Gambling.* (see *Westminster Rev.* May 1892, 137:518-27) Bowdoin 052 W52 e



Takes the view that there are certain advantages, such as accuracy in thought and statement, to be derived from gambling, but that all these are sought at a very serious risk.

### Compact and promise

**Janet, Paul.** Promises and Contracts. (*see his* Elements of Morals. 1884. p.88-92) Columbia 170 J25 e

Examines the nature of a promise and states certain undeniable exceptions, and in like manner the conditions of contracts and the interpretation regarding obscure clauses.

### Employers and employed

**Gladden, Washington.** Working People and their Employers. 241p.D. N.Y. 1885. Funk \$1. (Standard Lib. no. 132) Bowdoin 331 G45 e

Addresses to workingmen. Chapter 8 on the "Duties of Employers" points out that the tendency is to separate capitalist and laborer and contends that the employer has an obligation toward his employees in substituting a personal for an impersonal relation.

**Mallock, William Hurrell.** Labour and the Popular Welfare. 357p. D. Lond. 1896. Black 3/6. Bowdoin 331 M29 e  
Published also by Macmillan, 90c.

Written from the capitalist's standpoint. After showing the beneficial results that the industrial system has secured and is securing for labor, the author concludes that the attitude of the laborer toward his employer should be one of acquiescence and not of revolt.

### ETHICS OF AMUSEMENT

**Moxom, Philip Stafford.** Ethics of Amusements. (*see his* Aim of Life. 1894. p.230-50) Bowdoin e

Published by Little, 300p. D, \$1.

Indicates the necessity for amusement as well as its subordination to higher ends in a well ordered life.

### Theater

**Gothe, Johann Wolfgang von.** Wilhelm Meister's Apprenticeship and Travels. 1851. 1:74-81. Bowdoin 832.62 T5 e

Published by Houghton 2v. D, \$3.

The theater has often been at variance with the pulpit; they ought not, I think, to quarrel; how much is it to be wished that in both the celebration of nature and of God were intrusted to none but men of noble minds. Book, 1:84-85

### Novel reading

**Helps, Sir Arthur, anon.** Fiction. (*see his* Friends in Council. 1861. 1:89-101) Bowdoin 824.84 O e

Published by Lane, 4v. in 2, each \$1.50 n.

Points out the merit of fiction in creating sympathy and shows the danger, to which the reader is always exposed, of adopting writers of low ideals.

### SEXUAL ETHICS

#### Chastity

**Lecky, William Edward Hartpole.** History of European Morals. 1870. 2:298-303. Bowdoin 170.9 L49 e

States the rigorous social laws for violation of chastity and shows their justification in the religious feeling on the subject and in the general interests of society.



**Celibacy**

**Thwing, Charles Franklin Mrs C. F. (Butler.)** The Family and the Church, Catholic and Protestant. (*see their* The Family. 1887. p.73-90) Bowdoin 173 T42 e

Published by Lee, 213p. O, \$2.

Shows historically the immoralities consequent on celibacy among the clergy and its evil effects on the family, and also how it strikes at marriage, which is the basis of the family as an institution.

**SOCIAL ETHICS.**

**Eliot, Charles William.** The Happy Life. (*see his* American Contributions to Civilization. 1897. p.243-73) Bowdoin 814.49 E14 e

Published by Century, 387p. O, \$2.

Address delivered at the Woman's College of Baltimore, Nov. 7, 1895.

Happiness must be conscious, considerate and consistent with habits of observing, reading and reflecting. Book, p. 245

**Hilty, Karl.** Happiness, essays on the meaning of life; tr. by F. G. Peabody. 154p.D. N.Y. 1903. Macmillan \$1.25 n. 170.4 H56 e

The philosophy of life which he teaches is wrought out [of] large experience, both of academic and political affairs, and that which draws readers to the author is his capacity to maintain in the midst of important duties of public service an unusual detachment of desire and interior quietness of mind. His short essays are the *Meditations of Marcus Aurelius*, told in the language of modern life; the *Imitation of Christ*, expressed with the academic reserve of a modern gentleman. F. G. Peabody, preface p.7

**Spencer, Herbert.** Ethics of Social Life. (*see his* Principles of Ethics. 1893. 2:261-433) Bowdoin 171.7 Sp31 e

Published by Appleton, 2v. O, \$4.

Includes "Negative Beneficence" and "Positive Beneficence."

**Veracity**

**Paulsen, Friedrich.** Veracity. (*see his* System of Ethics. 1899 p.664-712) Bowdoin 170 P281 e

An extended account of veracity, viewing it first on its negative side, expressed in the formula, "Thou shalt not lie," and then on its positive side, which is expressed by the formula, "Serve thy neighbor with the truth."

**Dress**

**Hyde, William DeWitt, D.D.** Dress. (*see his* Practical Ethics. 1892. p.19-24) Bowdoin 170.2 H99 e

Published by Holt, 208p. D, 80c.

Shows that it is a duty to be well dressed, with its attendant reward, respectability, and its attendant temptation, vanity.

**Wealth and rank**

**Higginson, Thomas Wentworth.** Concerning All of Us. 210p.S. N.Y. 1893. (Amer. Essayists Ser.) Harper \$1. Bowdoin 814.49 H53 e

Comments on social life and customs.



### Friendship

**Bacon, Francis, viscount St Albans.** Of Friendship. (*see his Essays.* 1879. p.143-53) Bowdoin 824.3 B131 e

Published by Little, 36op. S, \$1; o. p.

If he have not a friend he may quit the stage. Book, p. 153

### Philanthropy

**Bosanquet, Bernard.** Two Modern Philanthropists. (*see his Essays and Addresses.* 1891. p.1-23) Bowdoin 824.89 B65 e

Published by Sonnenschein, 199p. O, 2/6.

Short sketches of George Moore and Jean Leclaire, with some discussion of the nature of charity.

**Mackenzie, John Stuart.** Introduction to Social Philosophy. 1890. p.320-22. Bowdoin 301 M19 e

Discusses the relation of philanthropy to society and designates the most helpful kind of charity as that which enables the recipient, in turn, to help himself.

### Social obligations

**Hyde, William De Witt, D.D.** Society. (*see his Practical Ethics.* 1892. p.167-78) Bowdoin 170.2 H99 e

Published by Holt, 208p. D, 80c.

Emphasis is laid on the duty of each person to take part in the common life of society and to have that regard for the interests of others which in a general way is expressed by cooperation and toward individuals issues in the form of politeness and courtesy.

### TEMPERANCE

**Calkins, Raymond.** Substitutes for the Saloon, an investigation made for the Committee of Fifty. 397p.D. Bost. 1901. Houghton \$1.30. Bowdoin e

A strictly practical inquiry undertaken in a scientific fashion and prosecuted with great care and thoroughness. It assumes that no attack on the saloon can hope for permanent effectiveness which does not take into account the contribution of the saloon to sociability.

**Gustafson, Axel Carl Johan.** The Foundation of Death, a study of the drink question. Ed.3. 598p.D. Bost. 1885. Ginn \$2. Bowdoin 178.1 G971 e

Published also by Hodder, 5/.

An exhaustive study from the historical, medical, physiologic and moral standpoints.

**Lee, F. R.** Textbook of Temperance. 312p.D. Rockland Me. 1869. Vose \$1.25. o.p. Bowdoin e

From the teetotal standpoint. Comprehensive.

**Wheeler, Edward Jewett.** Prohibition, the Principle, the Policy, the Party. Ed. 5. 277p.D. N.Y. 1894. Funk 75c. Bowdoin e

The best American summary of the case for prohibition. Sonnenschein's *Reader's Guide*, p. 200

### Tobacco

**Hyde, William De Witt, D.D.** Practical Ethics. 1892. p.16-17. Bowdoin 170.2 H99 e

Published by Holt, 208p. D, 80c.

Points out the evil results of using tobacco in early life.



## Opium

**De Quincey, Thomas.** Confessions of an English Opium Eater; with introd. note by William Sharp. 275p.D. Lond. 1886. Scott 1/. (Camelot Classics, Bowdoin 824.81 O1 e

The narrative, which is presented with all the grace and effectiveness of a man of letters, is addressed to the opium eater. De Quincey shows that after using opium with its attendant pains and discomforts for 17 years it may still be renounced.

**Dudgeon, John, M.D.** Evils of the Use of Opium. (see Shanghai Conference. Records. 1890. p.314-54)

A valuable essay. J. S. Dennis, *Christian Missions and Social Progress*, 1:350

## OTHER ETHICAL TOPICS

### Animals' rights

**Evans, Edward Payson.** Ethical Relations of Man to Beast. (see his *Evolutional Ethics and Animal Psychology*. 1898. p.82-104) Columbia 591.5 P7 e

Published by Appleton, 386p. D, \$1.25.

Attacks the anthropocentric psychology and ethics, and argues for more humanity toward animals. The author presents a résumé of the best thought on the subject and strengthens his own position by the temperateness of his reasoning.

**Salt, Henry Stephens.** Animals' Rights considered in Relation to Social Progress, with a bibliographical appendix; also an essay on "Vivisection in America" by Albert Leffingwell. 176p. D. N. Y. 1894. Macmillan 75c. Columbia 179.3 Sa31 e

English price 2/.

This little book does not pretend to be a theoretic discussion of animal rights, but only a statement of practical reasons for modifying both our treatment of animals and our habits of using them for food. J. H. Hyslop in *Internat. Jour. of Ethics*, July 1895, 5:532

### Character

**Bryant, Mrs Sophie.** Short Studies in Character. 247p. D. Lond. 1894. Sonnenschein 4/6. (Ethical Lib. no. 2) Bowdoin 170 B84 e

Published also by Macmillan, \$1.10.

A plea for the use of ideas in the formation of character, and the use of character, in the sense of the conscience, in the formation of ideas. The first of these appears most explicitly in an earnest chapter on "The Intellectual Factor in Moral Education" but it is as emphatically urged elsewhere, specially in the quite pronounced section of "The Influence of Ideals." John MacCunn in the *Internat. Jour. of Ethics*, Jan. 1895, 5:251

**Smiles, Samuel.** Self-help, with illustrations of character, conduct and perseverance. 447p. D. N. Y. n.d. Harper \$1. Bowdoin 374 Sm43 e

Its main value consists in an enforcement of the distinct principle that unless there be stimulus to exertion from within, help is of little use, and may in reality be enfeebling and hurtful. *Cumbers's Jour.* 24 Dec. 1859, 32:413

Included in Sir John Lubbock's list of 100 books.



### Cruelty to children

**Waugh, Benjamin.** Prevention of Cruelty to Children. (*see* Dublin Rev. Jan. 1892, 110:140-51) Bowdoin 052 D85 e

Written by the founder of the "National Society for the Prevention of Cruelty to Children." Provides some account of what the society has accomplished and the need for further work.

### Dueling

**Janet, Paul.** Elements of Morals. 1884. p.58-60. Columbia 170 J25 e

Published by Barnes, 353p. D, \$1.25.

Takes the view that the duel is not a legitimate mode of self-defense, and that ethically it is indefensible because it allows each to become his own judge.

### Ethical science

**Carus, Paul.** The Ethical Problem, three lectures on ethics as a science. Ed.2. 351p.D. Chic. 1899. Open Court Pub. Co. 50c. (Religion of Science Lib. no. 35) Columbia e

The second edition contains the entire controversy that was called forth by the first edition. Points out the intimate connection of ethics with morality and shows also that ethics as a science can not be derived from mere sentiment.

### Happiness

**Hamerton, Philip Gilbert.** The Quest of Happiness. 187p. D. Bost. 1897. Roberts \$2. Harvard 171.4 H17 e

Now published by Little, \$1.50.

The thought expressed is that all unhappiness is caused by the non-exercise of natural faculties.

**Lubbock, Sir John, bart.** Pleasures of Life. Ed. 3. 191p. D. Lond. 1887. Macmillan 3/6. Bowdoin 824.89 L961p

The tone is serious; there is much from the old sources, the great moralists of the past; but one feels in it all that best of the reader's pleasures, continuous contact with a cultivated mind and a kindly nature. *Nation*, 1 Sep. 1887, 45:178

### Pessimism

**Hartmann, Eduard von.** Philosophy of the Unconscious, speculative results according to the inductive method of physical science; authorized tr. by W. C. Coupland. 3v. O. N. Y. 1884. Macmillan \$7.50. Bowdoin 193.9 e

Published also by Paul, T.T. & Co. 31/6.

The essential results consist in positing an unconscious principle, which is the unifying principle of both matter and life, and which, therefore, in the latter becomes conscious, and finally self-conscious. The third volume goes on to show that consciousness is in the main a source of misery. Hartmann traces in a very suggestive way the illusive nature of happiness through the three stages where mankind hoped for happiness in this world, then in the next world and finally in the future of this world. *Athenaeum*, 14 June 1884, 1:753

**Sully, James.** Pessimism, a history and a criticism. 477p. O. Lond. 1877. King 14/. Harvard 149.6 Su5 e



**The press**

**Kelly, Edmond.** *The Problem of Education.* (*see his Evolution and Effort.* 1900. p.216-36) Bowdoin 301 K29 e

Published by Appleton, 293p. D, \$1.25.

Points out the sensational and partizan nature of the contemporary press and shows that the problem of providing accurate news, free from scandal and partizanship, is mainly an ethical one.

**Suicide**

**Morselli, Enrico Agostino.** *Suicide.* 388p.illus.D. N.Y.1882. Appleton \$1.75. (Internat. Sci. Ser.) 179.7 M83 e

Published also by Paul, T.T. & Co. 5/.

He briefly maintains that "Suicide is an effect of the struggle for existence and of human selection, which works according to the laws of evolution among civilized people," and in conclusion urges that the only way to cure the evil is to develop in man the power of well ordering sentiments and ideas by which to reach a certain end in life—in short, to give force and energy to the moral character. *Mind*, Jan. 1882, 7:151

**Schopenhauer, Arthur.** *On Suicide.* (*see his Studies in Pessimism.* 1891. p.43-50) Bowdoin e

Published by Sonnenschein, 142p. D, 2/6; Macmillan 90c.

Takes the view that there is "nothing in the world to which every man has a more unassailable title than his own life and person," and that suicide is not a crime but a mistake.

**Sunday question**

**Gilfillan, Rev. James.** *The Sabbath viewed in the Light of Reason, Revelation and History, with sketches of its literature.* 635p. D. N. Y. n.d. Amer. Tract Soc. \$1.25. Bowdoin 263 G39 e

An extended discussion of the importance of the Sabbath as a sacred day and one worthy of increased respect both as a human and as a divine institution.

**Tyndall, John.** *The Sabbath.* (*see his New Fragments.* 1892. p.1-46) Bowdoin 504 P2 e

Published by Appleton. 500p. O, \$2.

Argues forcibly for a less rigorous observance of the Sabbath; an exhortation to put Sundays to better account, in the way of cultivating nature and art interests.

**Vivisection**

**Cobbe, Francis Power.** *Mr Lowe and the Vivisection Act.* (*see Contemporary Rev.* Feb. 1877, 29:335-47) Bowdoin 052 qC76 e

Maintains that, whatever the value of the scientific discovery which must be obtained by vivisection, it is morally forbidden.

**Leffingwell, Albert.** *The Vivisection Question.* 267p.O. New Haven 1901. Tuttle \$1.25. Bowdoin e

Essays and speeches advocating the prevention of abuse of vivisection by legal regulation.

**Paget, Sir James.** *Vivisection: its pains and its uses.* (*see Nineteenth Century*, Dec 1881, 10:920-30) Bowdoin 052 N62 e



Argues that as few obstacles as possible should be thrown into the way of competent persons engaged in research, and contends also that vivisection does not inflict more pain than many sports which are generally encouraged.

Wilks, Samuel. Ethics of Vivisection. (see Contemporary Rev. May 1882, 41:812-18) Bowdoin 052 qC76 e

Claims that "the selection of the so called standard of 'morality,' or the 'rights of animals' by which to measure the permissibility of physiologic experimentation, is undeniably a prejudgment of the real point at issue," Book, p 818







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# New York State Library

MELVIL DEWEY Director

## Bulletin 94

### LIBRARY SCHOOL 19

*Wheeler, Martha T., and E. L. Pascoe:*

## INDEXING

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*State Library Albany N. Y. Mar. 1, 1905*

*A. S. Draper*

*Commissioner of Education*

DEAR SIR: The accompanying brief treatise on indexing is submitted for publication in the Library School series. It has been prepared by Miss Martha T. Wheeler, instructor in indexing, with assistance from Miss Elva L. Bascom, and is the outgrowth of several years practical work in making and supervising indexes to Regents publications and experience in teaching the subject in the Library School. The bulletin will not only meet the needs but enable us to answer much more satisfactorily than hitherto possible the many inquiries coming to us about the principles and practice of indexing.

MELVIL DEWEY

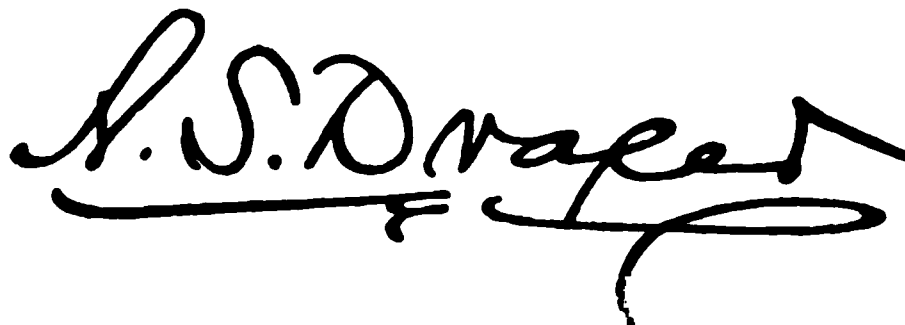
Director

*State of New York*

**Education Department**

COMMISSIONER'S ROOM

*Approved for publication Feb. 3, 1905*

A handwritten signature in cursive script, reading "A. S. Draper". The signature is written in dark ink and features a prominent horizontal stroke under the first part of the name, followed by a large, sweeping flourish that extends to the right.

*Commissioner of Education*







# New York State Library

MELVIL DEWEY Director

Bulletin 94

LIBRARY SCHOOL 19

## INDEXING

### PRINCIPLES, RULES AND EXAMPLES

**Importance.** The importance of book indexes is so widely recognized and the want of them so frequently deplored that no argument in their favor seems necessary. There is however too little appreciation on the part of publishers and authors of the value and difficulty of good indexing. In a valuable paper on "Indexing" published in *Library Journal* 17:406, afterward separately reprinted but now out of print, J. B. Nichols says:

A book without an index is like a locked chest without the key; each may contain valuable treasures, but neither can be gotten into. The sense of insecurity and uncertainty which the student feels in the use of an index on which he can not rely is something very annoying. Nothing impairs the usefulness of a book like the lack of a proper index; and nothing enhances its value so much as being provided with one.

There are few if any branches of clerical work that require higher intellectual faculties for their satisfactory and successful performance than general indexing. To index a branch of knowledge satisfactorily requires a considerable knowledge of it, of its classifications, of its synonyms, of its species and genera. General qualities required are good taste, good judgment, and a habit of conciseness and of liberal and comprehensive thought. Above all, what may be called the "index sense" is required—that is, the ability to feel instinctively, at the first glance, what and how subjects should be indexed in all their ramifications; the sense that is in touch with searchers, and appreciates just how subjects will be looked for and how to arrange so that they can most readily be found. Experience is the only school in which these qualifications can be gained.

It is remarkable, in view of the manifest usefulness of good indexes, how many books there are unprovided with them; and how many more are provided with indexes of an inferior kind which are inaccurate, insufficient and unreliable. The trouble is not that the importance of reliable indexes is not generally appreciated, but that the work of indexing is left to inexperienced and unsci-



entific hands. It is not generally recognized that a really good index can not be made except by persons with special skill and special experience; that indexing is an art in itself, and it is unreasonable to expect satisfactory results from untrained hands. Not even authors are qualified to index their own work, unless they happen to possess familiarity with the principles and practice of indexing. None but the author, it is true, has such an intimate knowledge of the subject—and such knowledge is essential in indexing; but if he lack those special qualifications which are requisite in work of this kind, he can not be depended on to make a good index.

A book now on the market and in its ninth edition contains in the index the item "Hell on earth"; on the page referred to is an account of persons kept in a constant state of anxiety and terror, the expression quoted being used to indicate in a forcible way the mental condition. Among other curiosities in the same index are the following items: "Maxim," "Quotations at beginning of chapters," "Something to avoid." More absurdly useless entries it would be difficult to make; articles and prepositions and conjunctions might as well be indexed; and yet similar instances of faulty indexing could be multiplied indefinitely.

**Unalterable rules impossible.** It is not possible to devise rules which will secure satisfactory treatment in all cases, but a few general principles may be stated which will aid the indexer able to apply them with good judgment to specific problems. The indexing problem changes with each new book undertaken. To meet the needs of different classes of seekers and to suit various types of books, rules entirely satisfactory in one case must be varied in the next and perhaps ignored or even reversed for a third. Yet while the indexer who follows the same rules under all circumstances must inevitably do some inferior work, an index compiled without a basis of well formulated rules is almost worse than none.

**Importance of plan.** In each case a well considered and well defined plan must be determined on in advance and followed throughout. This is necessary to secure completeness and consistency, to avoid misleading searchers, and to keep the size of the index within proper limits. The length of an index depends on the minuteness and detail to which the subjects are indexed, and on the fulness of the entries. It is necessary in advance to fix a degree of minuteness and detail to which the work shall be carried, and to settle the style of the entries. Nichols

**Codes.** Many indexing rules are practically identical with those used in preparing library catalogues, and forms of statement in the following pages as well as illustrative examples have in many cases been taken from C. A. Cutter's *Rules for a Dictionary Catalogue* and Melvil Dewey's *Library School Rules* and *Simplified Library School Rules*. In these manuals many more rules may be



und with illustrations, which would aid in compiling indexes to bibliographies, genealogies and other works comprising many names, though often inapplicable to general subject indexing. Statements and illustrations are also borrowed from Mr Nichols's paper already quoted.

**Index defined.** An index, as defined in the *Century Dictionary*, "a detailed alphabetic (or rarely, classified) list or table of topics, names of persons, places, etc. treated or mentioned in a book or series of books, pointing out their exact positions in the volume." The word is derived from the Latin *indicare*, to point out, to show. Nichols gives the following definition: "An index is a table or list of references, arranged usually in alphabetical order, to subjects, names and the like, occurring in a book or other matter." Mr. I. Fletcher, who has had long experience as editor in chief of *Boole's Index to Periodical Literature*, in a paper on "Indexing" prepared for the world's library congress at the Columbian Exposition, after drawing a distinction between catalogues, bibliographies and indexes, says: "An index is an arrangement (generally alphabetic but sometimes classified) of the analyzed contents of the book, or of the books in a certain class, and is intended to show in what books and in what places in those books information to be found on certain subjects."

**Alphabetic vs classified indexes.** All these authorities imply that the classified index is exceptional. In ordinary book indexes it is generally conceded to be inconvenient and few will question the dictum of the veteran indexer, H. B. Wheatley [*What is an Index?*, p. 56] that "an index should be one and indivisible, and not broken up in several alphabets." Curious exceptions may be found, which serve to emphasize the value of this rule. Huchins's *Dorset*, brought out in a new edition in 1874, has eight separate indexes, e. 1 Places; 2 Pedigrees; 3 Persons; 4 Arms; 5 Blazons; 6 Glossarial; 7 Domesday; 8 Inquisitions. A work in six quarto volumes, entitled *Canada: an Encyclopaedia of the Country*, is provided with a slender index volume divided into no less than 23 sections, 11 of which are arranged alphabetically, the remaining 12 being contents grouped under class headings and arranged in order of occurrence.

**Indexes to sets.** A work in several volumes should have an index to the whole in one alphabet at the end of the final volume. It is convenient to have the volumes also separately indexed, if that can be afforded and will not unduly increase their size. Nichols proposes as the ideal that each volume be provided with the complete index to the set.



## DEFINITIONS OF TERMS

**Subject.** The *subject* is any event, place, person, fact, relation, topic, idea, or whatever is an object of thought and may become an object of search.

**Entry.** The *entry* is the word, phrase or combination of phrases expressing the subject or idea, together with any necessary modification and the page reference indicating where it may be found in the text. The following example is taken from the very full index to Eggleston's *Beginners of a Nation*:

Sabbath-keeping, early Puritan ideal of, 127

**Heading.** The *heading* is the word or words chosen to express the subject or idea, and stands at the beginning of the entry, determining its alphabetic position. In the above entry, the heading "Sabbath-keeping" represents the subject.

**Modification.** A *modification* is a word or phrase following the heading to indicate the character of information given in the passage referred to, or otherwise limit its meaning. In the entry above "early Puritan ideal of" is the modification.

**Subhead.** A *subhead*, or secondary heading, is a modification which is itself repeatedly modified, and therefore becomes the head of a separate group of submodifications under the main heading [see example on p. 492 under heading "Boundaries," where "Connecticut" is a subhead]. The subhead does not differ in form or character from the simple modification, and requires different treatment only because it has attracted to itself several differentiated references, and must be separately indented in printing to make the meaning clear.

**Cross reference.** A *cross reference* refers: (1) from a possible heading under which no page references are given to the chosen heading where they may be found ("see" reference); or, (2) connects headings which represent allied subjects or which contain related entries ("see also" reference):

Electric telegraph, *see* Telegraph

Limestone, *see also* Magnesian limestone

Numerous entries, subheads and cross references may be grouped under one heading. To "index under a certain word" means that that word is put first in the entry and becomes the heading.

## FULNESS AND CHARACTER OF INDEXING

Minuteness of indexing must vary according to the character and uses of the book in hand. Generally speaking, the fuller an index is, without entering into valueless minutiae, the greater is its usefulness; a book half indexed would perhaps better have no index at all, since it is as likely to mislead as to assist. But books fre-



quently contain illustrative or explanatory matter or digressions of various kinds which, though useful in their connection, a reader would not anticipate from his knowledge of the subject, nor expect to find analyzed in the index; hence their inclusion under distinct headings is a waste of space. Too often limitation of space or the question of expense confronts the indexer, when a close estimate of the number of pages and the number of headings to a page must be made, and fulness in indexing regulated accordingly.

**Indexer's first duty.** The indexer's first duty, then, is to acquire a clear idea of the character, scope and general plan of the work to be indexed. If possible he should read it through. If indexing from proof received in sections, he must judge as best he can from the material in hand and from such information as he can secure from author or publisher. In all cases of doubt it is better to err on the side of too great fulness in the earlier stages of the work, since it is easier to cut out superfluities in revising than to pick up statements dimly remembered which prove important as the work develops.

**Kinds of indexes.** A book may require: (1) a general index of quite obvious subjects, as John Fiske's histories, G. W. Curtis's *Orations and Addresses*, Bryce's *American Commonwealth*, Darwin's *Descent of Man*; or, (2) an index of ideas, more or less difficult to reduce to alphabetic key words, as Emerson's *Essays* or Holmes's *Autocrat*; or, (3) a name index, as for botanies, atlases, genealogies etc.; or, (4) a word and phrase index, as Bartlett's *Familiar Quotations*. In the last case it is necessary to bring out such *words* as may have remained in the searcher's memory, through which he hopes to make whole a maimed and halting quotation. The following examples illustrate the difference between the indexing of words and the indexing of subjects:

And what is so rare as a day in June?

Then, if ever, come perfect days;

Then Heaven tries the earth, if it be in tune,

And over it softly her warm ear lays.

Here "June" is the very obvious subject, but entries are made in *Bartlett* under all the words underlined above. A second example:

What's gone and what's past help

Should be past grief.

Here the underlined words chosen for entry are all that would be sought by a person striving to recall a half forgotten quotation, but none of them represents the subject of the lines, i. e. the uselessness of *regrets* or *repining*.



## CHOICE OF HEADINGS

Consider the character of the book to be indexed; what class of persons will generally consult it: high school pupils, scientific men, literary students, business men, trained bibliographers, inexperienced general readers? On what lines will they seek information? With these points in view, choose between technical and common, scientific and unscientific terms, and decide whether any system of cross reference between them, or possibly of double entry, is necessary. In a word, determine what is wanted and devise means of getting at it. A subject heading should be selected with great care since it is the alphabetic key to the matter it indexes, and the only guide to the modifications grouped under it. The indexer must put himself in the reader's place in choosing it. "Select such headings as are most likely to be *first* looked for by the searcher for such information as they contain." [Fletcher] Use the word in the text if it fulfils this requirement; if not, supply the preferred word, keeping in mind the following principles:

1 **Obvious key word.** Choose the obvious word, even if in doing so the more exact one is sacrificed. "The cataloguer and the index compiler too often arrange their entries under those headings which they consider readers and searchers *ought* to consult." [Clarke. *Practical Indexing*, p. 137] Not infrequently the text words, even when they express the idea with the greatest precision, are, the last that would occur to the seeker, who has not the page before him to suggest them. The index maker must consult the popular vocabulary far oftener than the dictionary in selecting key words.

It may sometimes be important to use the exact terms of the text, e. g. in technical books or in works of writers of marked individuality in the use of language, whose peculiar expressions impress themselves on their readers; but in these cases such words *are*, from a certain point of view, the obvious words, and the apparent exception proves the rule. Emerson's oft quoted phrase "hitch his wagon to a star" furnishes an illustration. The passage reads:

I admire still more than the sawmill the skill which, on the seashore, makes the tides drive the wheels and grind corn, and which engages the assistance of the moon, like a hired hand, to grind, and wind, and pump, and saw, and split stone, and roll iron. Now that is the wisdom of a man in every instance of his labor, to hitch his wagon to a star and see his chore done by the gods themselves. That is the way we are strong, by borrowing the might of the universe.



Here the main idea, which runs through several pages, is that of man's utilization of the power of the universe, both physical and spiritual. It might be expressed in the index by several key words, none of which would be so likely to occur to the searcher who had previously read the passage or heard the phrase quoted, as the words "wagon" and "star," which represent it in the full index to the Riverside edition of Emerson's works; yet no one, hearing the phrase alone, fancies it to be about either wagons or stars. The quotation is often used to emphasize a different thought, that of the importance of high aims, an idea developed, though less definitely, later in the essay.

Take another striking passage from Emerson:

Every man takes care that his neighbor shall not cheat him. But a day comes when he begins to care that he do not cheat his neighbor. Then all goes well. He has changed his market cart into a chariot of the sun.

Here, following the principle illustrated above, entry might be made under "Market cart" and "Chariot of the sun," terms which linger in the reader's mind. But "cheat" is quite as likely to be recalled and the single entry found in the Emerson index under "Cheating, fear of being cheated and fear of cheating," which represents the idea of the paragraph perfectly, is probably sufficient.

**2 Prefer common terms.** Do not use learned or cumbrous words where simple and common ones will do as well.

**3 Avoid unimportant words.** Do not enter under the unimportant and chance words in a phrase; never use as key words prepositions, conjunctions, articles or equally obscure words. The inexperienced indexer often makes the blunder of appropriating as it stands a good descriptive phrase, which sets forth the subject adequately but furnishes no usable alphabetic key, or which must be rearranged to bring the significant word to the first place; e. g.

Desperate leap of a bird catcher

Growth of knowledge unconscious

Differences in quality of humor in men and women

**4 Adjective headings.** A heading should be a noun or a substantive phrase. Adjectives may, however, lead in a phrase, and thus determine the alphabetic place, where they form part of a name or well known term, and would be naturally sought by the user of the index; e. g. Alimentary canal, Carbolic acid, Domestic economy, Hereditary genius, Perpetual motion. An adjective alone does not constitute a complete heading.

**5 Specific headings.** Choose the specific term; e. g. "Golf" instead of "Games" if the discussion is confined to golf.



**6 Subject of book.** Avoid indexing under the main subject of the book, *unless it is the only word or group of words for which the searcher would look*; e. g. in a book on punctuation make headings "Comma," "Colon," etc. placing under the heading "Punctuation" such modifications as "different systems," "general rules," "modern practice," etc. The annual report of the director of the N. Y. State Library rarely contains index entries under "State Library" or "Library"; the reports on examinations in New York State have few entries under the word "Examinations." In such cases, since the entire volume relates directly to a single subject, the main heading is understood throughout; if expressed, it must precede nearly every entry, and would be ignored by the seeker, who would transfer his attention to the alphabeting of the words following.

Perspective should always be kept in mind in determining plan. Each idea must be treated with reference to accompanying matter. In a work solely on New York the index might not contain the heading "New York," all matters treated being indexed under their individual terms; while in a work treating only in part of that state, subjects relating to it would be better indexed under the heading "New York." In a geographic work places would have preference and special attention in indexing; in *general* scientific works, the subjects discussed would furnish the important headings and place entry would be of secondary interest. "Geology in New York" in the former would be indexed under "New York"; in the latter, under "Geology." But entry under both might sometimes be necessary.

Sir Walter Scott's biography of Swift quotes the Dean's pathetic prophecy in the presence of a dying elm: "I shall be like that tree, I shall die at the top." This idea would in Swift's biography be indexed as "Death, his premonition of"; in a volume of miscellaneous essays, under "Swift, Dean, premonition of death"; in Bartlett's *Familiar Quotations* it appears under the key words "Tree," "Die" and "Top." In a collection of quotations, indexed under authors, it should be brought out under both Swift and Scott.

**7 Separate linked subjects.** In simple subject indexing do not link two subjects in one heading, even when they form a title; e. g.

New York, clay industry in  
New Jersey, clay industry in  
*not* New York and New Jersey, clay industry in  
New Jersey and New York, clay industry in



**8 Significant word.** If the heading is a phrase, enter under first word unless a later word is more significant; e. g.

*a* Actions at law; ~~Conduct~~ of life; District of Columbia; Freedom of the press; Trial by combat

*b* Ghent, treaty of; Agriculture, department of

**9 Words necessarily separated.** When words closely connected in the text must be separated in the index in order to bring the heading first, avoid a greater separation than is necessary; e. g.

France, southern, industrial condition

Grant, Gen. U. S., battles

*not* France, industrial condition in southern

Grant. battles of Gen. U. S.

**10 Brief and compact forms; punctuation.** So far as possible confine the heading to a word or brief phrase not requiring punctuation other than a comma for simple inversion, so that it may be taken in at a glance. When a heading must be used in inverted form and there is danger of confusion with the first modification, set it off by a colon; e. g.

Game, protection: county wardens, 199; licenses, 202; preserves, 203; state wardens, 204

**11 Quoted statements.** Index quoted statements under the real author's name, adding (quoted).

**12 Number of headings to subject.** Use as many headings as are necessary to present the subject in all its phases. Every heading should be included for which a reader might reasonably look, either with citations or by cross reference. Two subjects of equal importance may be treated in one article, or a single subject may be sought from more than one point of view. A paper on the socialistic movement in Massachusetts should be readily found by a seeker interested in socialism or by a student of conditions in Massachusetts. Architecture in Washington may be sought by those interested in the city or in architecture.

But questions of perspective enter into decisions as to double entry. In indexing matter in an American newspaper about e. g. a treaty between Chile and Argentina it is obvious that the two countries are entitled to equal recognition; but an article on relations between the United States and Chile needs only entry under "Chile." The American newspaper looks out on the world always from the American standpoint; to index relations with Chile under "United States" is much as if a woman should index her social engagements under her own name. In general the more vague the subject, the larger the number of headings necessary to index it. Keep two considerations in mind: the importance of



sufficient fulness to enable the searcher to find what he wants without unnecessary effort, and the folly of increasing the size and expense of the work by useless entries. Ordinarily one or two well chosen key words will be enough, and it is unworkmanlike to inflate the index till it rivals the text in bulk. The index to St George Mivart's book *On the Origin of Human Reason* is a notable example of absurd repetition and unwise choice of key words. The author refers [p. 136] to some articulate utterances of a certain parrot which sounded remarkably like replies to questions. This is indexed under 15 headings, as follows:

- Absurd tale about a Cockatoo, 136
- Anecdote, absurd one, about a Cockatoo, 136
- Bathos and a Cockatoo, 136
- Cockatoo, absurd tale concerning one, 136
- Discourse held with a Cockatoo, 136
- Incredibly absurd tale of a Cockatoo, 136
- Invalid Cockatoo, absurd tale about, 136
- Mr R——, and tale about a Cockatoo, 136
- Preposterous tale about a Cockatoo, 136
- Questions answered by a Cockatoo, 136
- R——, Mr, and tale about a Cockatoo, 136
- Rational Cockatoo as asserted, 136
- Tale about a rational Cockatoo, as asserted, 136
- Very absurd tale about a Cockatoo, 136
- Wonderfully foolish tale about a Cockatoo, 136

13 **Cross reference vs scattered material.** Be careful not to scatter material under several practically identical headings, where one heading with cross references from others will serve; e. g. matter about "taxes," "imposts," "duties" and "excise" can usually be grouped under "Taxes" with reference from the others. On the other hand, avoid using too comprehensive headings, which will draw unwieldy masses of modifications better distributed among more specific headings and connected by "see also" cross references if necessary.

In a very full index "suspended animation" might be indexed under headings, with cross references, as follows, the full entries being supposed to be made under the heading "Suspended animation":

- Animation, suspended, *see* Suspended animation.
- Biology, *see also* Suspended animation.
- Dormant vitality, *see* Suspended animation.
- Hibernation, *see also* Suspended animation.
- Life, *see also* Suspended animation.
- Suspended animation.
- Vitality, *see also* Suspended animation.



## MODIFICATIONS

In word or name indexes the heading is usually followed directly by the page reference, but in subject indexes modifying phrases are frequently added to differentiate the passages cited [see Definition of terms, p. 468].

**Value.** These modifications are sometimes so inseparably connected with the heading as to seem a part of it, but quite as often they are evidently added to define exactly what the text includes. They may be of little consequence in brief and simple indexes, but an elaborate index, where large numbers of references are grouped under important headings, is exasperatingly incomplete without them, often forcing the searcher to consult many pages for material to which he might have been sent directly by an added word or phrase. H. B. Wheatley in his entertaining and suggestive *What is an Index?* published for the English Index Society in 1878, says [p. 45-46]:

The indexer must aim at conciseness, but he should always specify the cause of reference, more especially in the case of proper names. Few things are more annoying than to find a block list of references after a name, so that the consulter has to search through many pages before he can find what he seeks. Mr Markland draws particular attention to this point in a communication to the *Notes and Queries* (2d series, vol. 7, p. 469) on the subject of Indexes. He complains bitterly of the indexes to the collected edition of Walpole's *Letters* and to Scott's *Swift*. In the latter book there are 638 references to Harley, Earl of Oxford, without any indication of the reason why his name is entered in the index. This case also affords a good instance of careless indexing in another particular, for these references are separated under different headings, instead of being gathered under one, as follows:

Harley (Robert) 227 references  
Oxford (Lord) 111 references  
Treasurer, Lord Oxford 300 references

Mr Markland takes the opportunity of pointing out that good specimens of the right way to set out the references to an individual are to be found in Nichols's *Literary Anecdotes*; Hallam's *Constitutional History*; and Campbell's *Lives of the Lord Chancellors*. Probably the most colossal instance of the fault above alluded to is to be found in Ayscough's elaborate index to the *Gentleman's Magazine*, where all the references under one surname are placed together without even the distinction of the Christian name. Mr Solly made a curious calculation as to the time that would be employed in looking up these references. For instance, under the name Smith, there are 2411 entries all "en masse," and with no initial letters. If there were these divisions, one would find "Zachary Smith" in a few minutes, but now one must look to each reference to find what is wanted. With taking down the volumes, and




hunting through long lists of names, Mr Solly found that each reference cost him two minutes of time, a by no means extravagant estimate; hence it would take the consulter eight days (working steadily ten hours a day) to find out if there be any note about Zachary Smith in the *Magazine*, a task so awful to think of that it may be presumed that no one will ever attempt it.

**Uniformity.** Modifications need not be used uniformly throughout an index. Some subjects occur too infrequently to require them; e. g. in an index to laws a single reference to "chloral" needs no modification, but 100 references to laws affecting "cities" need to be carefully differentiated to facilitate the reader's search for a particular law. Their use must be determined by the nature of the subject-matter, and therefore of the headings, the probable number and character of references to the subject and the most important use of the index. When they are to be inserted very generally, add them uniformly to all headings when the entries are first made, since it is easier to cut out those not desired than to add after all the entries under one heading are brought together. To save space in very long indexes, modifications may sometimes be dropped from all headings having only a few references without seriously impairing their value. Very general or indefinite headings need modifications even when entries are few, and sometimes one is necessary to explain the presence of the heading.

If a modification proves to be too general or of too little importance, drop it and put the page reference immediately after the heading, as illustrated by the first entry in the following example:

Trinity church, 232; charter, 120; pews, 243; rectors, 252, 360; sexton, 365

**Clear but concise.** Make the modification clear, but brief and compact as possible, omitting every word not necessary to perfect clearness. The idea of each modification should be distinct from that of all others under the heading, so that the searcher may receive a definite impression of the character of the text referred to. This may often be secured with but a word or two. It is not necessary that sentences be complete, and much space may be saved by cutting out superfluous words; e. g. "Pacific ocean, discovery," "Volcanic explosions, cause," "Patent, royal; validity," are as clear and significant in the index as "Pacific ocean, discovery of the"; "Patent, the royal; question concerning the validity of." In this work, however, the indexer must be alert to possible alterations in sense through ill judged cancelations. A work now widely used narrowly escaped going before the public with the somewhat surprising heading "Washington in Jerseys," in consequence of





the too zealous economy of a reviser who had stricken out a saving "the" before Jerseys.

**Inversions under heading.** Avoid needless and confusing inversions under heading. The subject word is generally brought to the head by inversion, but except in long and elaborate indexes, where a scheme of classification of material under heading must be followed, it is better to leave modifications as nearly as may be in the natural order; e. g.

Nicaragua canal, provisions affecting in treaty with England  
~~not~~ Nicaragua canal, England, treaty with, provisions in, affecting

**Names of persons.** Cataloguers and bibliographers, trained to invert author's names to secure alphabetic arrangement by surnames, sometimes carry the habit so far as to invert them under title in ordinary book and periodical indexing. The effect is extremely awkward and inconvenient. Enter

Wetmore, W. H. Study of forestry in the United States  
 and Forestry in the United States, Study of; by W. H. Wetmore  
~~not~~ Forestry in the United States, Study of; by Wetmore, W. H.

Do not try to condense all the text information in the modification; even if possible, the reader naturally expects to find more in the text, and is misled.

Some indexers seem to be of opinion that proper names are the most important items in an index, and while carefully including all these, they omit facts and opinions of much greater importance. As a rule it is objectionable when the consulter finds no additional information in the book to what is already given in the index; for instance, should the observation be made respecting a certain state of mind that "the Duke of Wellington probably felt the same at the Battle of Waterloo," it will be well for the indexer to pass the remark by unnoticed, as should he make the following entries, the consulter is not likely to be in a very genial mood when he looks up the references:

Waterloo, the Duke of Wellington's supposed feelings at the battle of.  
 Wellington (Duke of), his supposed feelings at Waterloo.

The hackneyed quotation of

Best, Mr Justice, his great mind,  
 can not be omitted here, although I am unable to give any satisfactory account of its origin. It forms an excellent example of the useless references to which we have just referred, and contains as well a ludicrous misapprehension of the passage indexed, which is said to have been: "Mr Justice Best said that he had a great mind to commit the man for trial." There can be no doubt that the entry, whether it ever occurred in an index or not, was intended as a personal fling against Sir William Draper Best, puisne judge of the King's Bench from 1819-1824, and lord chief justice of the Common Pleas from 1824-1829.

Wheatley, *What is an Index?* p. 44-45



**Allusions and unimportant statements.** In case of unimportant allusions to persons, such phrases as "referred to," "alluded to," "cited" and "quoted" are convenient and quite sufficient.

**Index entry a pointer.** The indexer should bear in mind always that the index entry is only a "pointer" showing where certain information is to be found. If in a word the gist of the information can be indicated, sometimes saving the consulter the trouble of turning to the text, it may well be given, but there should be no attempt to make the index entry a digest. Nor must modifications be so comprehensive as to lack the necessary precision. Though the entry is but a pointer, it must point definitely to the specific object and not simply wave a gracious hand over a vast territory. "Buddhism" is too general if the indexer intends to cite the work of Buddhist missionaries in New York city; "France, education in" does not necessarily suggest the question of parochial vs state schools in France.

**Care in condensing entries.** Be careful that the modification is not condensed in such a way as to become a false or misleading statement, expressing more than, or the opposite of, the text. A passage in a history of colonial New York, stating that nonobservance of the Sabbath was forbidden under certain penalties by Peter Stuyvesant is better indexed under "Sabbath observance under Gov. Stuyvesant" than in the text words "Sabbath, non-observance under Gov. Stuyvesant," because the latter form implies injustice to the doughty Dutchman's rule. It is clearly misleading to index a paper on the question of school instruction as to the effects of alcoholic drinks under "Alcohol, use taught in schools."

**Tact and humor in indexer.** There is room also for the exercise of tact as well as truthfulness on the part of the indexer. Why enter under "Trenton, gambling in," when attention is to be called to Trenton's crusade against gambling? A saving sense of humor would prevent such an entry as "Oaths concerning debtors" to represent a law permitting the deduction of debts from the evaluation of taxable property when properly certified under oath.

**Repetition of heading.** Avoid repeating the heading in the modification; a change in wording or the insertion of a comma will often serve to express it. But prefer repetition of heading to awkward phraseology or confusion of meaning; e. g.

Books, character in, 122; of facts, 279; moral power, 159; professor of, needed, 166

Voice, English, 110; the sweetest music, 251, 340; index of a state of mind, 418; a hoarse voice a kind of warning, 422



**Analysis under heading.** When all, or most of the matter relating to a single subject is given consecutively and is not very extended, it is generally not worth while to give an analysis under the main subject heading; let a single blanket entry cover the mass. If there are scattered references elsewhere, differentiate these references, so that the searcher may know where to find a specific phase of the subject not treated in the main section. Bring out also specific points mentioned in the main section as headings in their own alphabetic places, if obviously desirable; e. g.

Title entry, treatment, 13-14

Title entry, treatment; anonymous books, 18

Biographic titles, 14

Novels, title entry, 13

Anonymous books, title entry, 18

Sometimes it is impossible to determine at the outset whether analysis is desirable. This difficulty usually arises when the indexer must begin his work before all the text is in hand. In such cases choose the "blanket" or "omnibus" entry, noting in the margin of the text the alternative. If before "verifying" [see p. 489] the same or other specific modifications have been needed for the subject, the change can be made at that point. If not, and all the text has not yet been read, transfer the note, abbreviated, to the bottom of the slip, so that the question will not be overlooked in editing and can then be settled definitely.

**Scattered references.** If the treatment of the subject is scattered through many pages and constantly interrupted by matter not relevant to it, of course thorough analysis and differentiation of references will be necessary.

**Heading identical with modification.** When a heading is also a modification of another heading, do not duplicate entries if they are identical, but refer from the modification to the heading; e. g. Cities, taxes, *see* Taxes, cities. The relative importance of the headings must decide which way the reference should be made. But if the page references under the modification are only a part of those under the same word or words as a heading, repeat the entries rather than refer to a mass of material most of which is irrelevant; e. g.

Cities, courts, 182, 260

Courts, 71, 123, 182, 209, 253, 260, 297

**Modifications in "entry a line" index.** If the index is to be in entry a line form [see p. 496] make the modification very brief and place the most important word first, inverting more freely to this end than in the paragraphed form, since it will head the line, catch the eye first and determine the alphabetic position of the modifica-



tion. With these limitations the modifications can seldom be as specific as in the more common paragraphed index.

#### CROSS REFERENCE

Cross references are of two kinds, commonly spoken of as "see" references and "see also" references [see Definition of terms, p. 10].

Make a "see" reference to guide the reader:

- 1 From a subject heading under which he might reasonably expect to find material to the heading or headings chosen for that subject; e. g.

Excise, *see* Taxes

Death rate, *see* Mortality; Vital statistics

- 2 From other forms of an author's name, or from a pseudonym to the form chosen; e. g.

Ossoli, Margaret Fuller, *see* Fuller, Margaret

Marvel, Ik, *pseud.* *see* Mitchell, D. G.

Make a "see also" reference to connect:

- 1 A subject with its subdivisions; e. g.

Literature, *see also* Drama; Essays; Fiction; Poetry

- 2 Class and specific headings; e. g.

Beverages, *see also* Coffee; Milk; Tea

- 3 Headings which are related, or contain allied matter; or which are dissimilar for the most part, would be needed by an investigator of a certain topic; e. g.

Laws, *see also* Legislation

Books, *see also* Reading

Children, *see also* Minors; Orphans; Schools; Wards

Temperance, *see also* Local option; Saloons

**Principles.** When allied headings are of equal importance make the reference under each; e. g.

Labor, *see also* Employees; Wages

Employees, *see also* Labor; Wages

Wages, *see also* Employees; Labor

Be sure that the heading referred to contains new matter; never make reference from one heading to exactly the same pages or to the same information under another heading. If the same information is entered under two headings, and it is necessary to make a reference from a title to the information, make such reference to *one* form only; e. g.

Japan, religion, 147

Religion of Japan, 147

Buddhism *see* Japan, *or* Buddhism *see* Religion of Japan

but not both for this particular information. The searcher will find only the fact; he does not care under how many forms the index has seen fit to refer to it. Nothing is more annoying than to be sent back and forth through the alphabet only to be conducted through blind alleys to the paragraph just read.



Never make a reference to a related heading unless there is actually a relevant entry there; i. e. do not refer to what *may* be, but only to what *is*. This is a common fault in cyclopedias and other works prepared by cooperation. The writer of an article, e. g. on x-rays, supposes that there will be full treatment of the uses of the x-ray in photography under the heading "Photography," and the specialist on photography assumes that that particular branch of his subject will be sufficiently covered under "X-rays," with the result that the seeker, after reading both articles, has secured nothing on his subject save the two references, "X-rays, *see also* Photography," "Photography, *see also* X-rays." Careful editing is imperative to prevent such mistakes.

**Double entry vs cross reference.** When but one or two brief entries are to be made, as a rule duplicate under the various headings needed instead of making references. The entry seldom requires more space, and in many cases actually takes less, if the modifications are as compact as they should be; and the searcher's time is saved, which is the first object of an index. Exception may be made in case of references from rejected to chosen forms of names.

**Cross reference to heading only.** Do not make cross references *too* specific. As a rule refer from heading only and to heading only, not particularizing modifications. Exception should sometimes be made in elaborate indexes where subheads are used, and in indexes printed in entry a line form.

#### PAGE REFERENCES

**Inclusive or scattering references.** If a subject is touched, dropped and taken up again on the same page, let the first reference stand for all unless the intervening text is so different in character that the searcher would not follow up the matter. This direction applies to regular reading text; in lists of names, tabular matter or any work in which the subject is constantly changing, every occurrence of a subject or name should be indexed. If the matter runs over a page give inclusive figures; the reader frequently wishes to know whether he will find an extended discussion, or merely incidental mentions; e.g. 120-29, not the less exact 120 *et seq.*

**Exact reference by ninths.** Unless pages are small or the subject matter is indicated by prominent center or side heads, it is convenient to divide the page into ninths in order to make references perfectly exact, superior figures being used to indicate the particular ninth of page or column in which the passage referred to begins; e. g. 34' means page 34 beginning in the third ninth of the page



(about one third of the way down). Of the superior figures, the odd numbers 1, 5 and 9 denote the top, middle or bottom of the pages; 3 and 7, points halfway between top and middle and middle and bottom; while even numbers are mere modifiers of these positions, 2 denoting a point a little below the top, 8 a point a little above the bottom, 4 and 6 points just above and below the middle. If there are several columns on a page, use two superior figures, the first denoting column and the second position in the column; e. g. 89<sup>1-8</sup> means page 89, beginning in the third ninth of column 1 and ending near the bottom (in the eighth ninth) of column 2. This system is very useful for books requiring close analysis, where many subjects or phases of a subject are treated on a single page; it would be of little value, and by no means worth the extra time and cost, for many popular books. Wherever it is used a clear note of explanation should be given at the beginning of the index.

**Marker.** For this work a "marker" must be made, consisting of a narrow strip of paper (an inch or less wide) the length of the printed matter on the page, including running titles, and plainly divided into ninths, the spaces being numbered 1 to 9 from top to bottom.

**Beginning of citation.** The page citation should begin where the subject to be indexed is introduced, not necessarily where the subject word first occurs, if a text word is chosen for the heading. The marker laid on the page shows precisely the part of the page, and should always be used by those inexperienced in indexing by this exact method. If the indexer has a good eye he may soon acquire a ready and accurate judgment of relative position, and be able frequently to dispense with the measure.

**Citation of volumes.** When the index covers more than one volume, separate volume and page number by a colon; e. g. 2:176<sup>1-30</sup>. If the modifications are arranged alphabetically the volume number must be included in every reference; if they are in order of entry, i. e. of occurrence in the text, the volume number may be omitted after the first reference, but should be in heavier type in order to be easily detected; e. g.

Truth, absolute, 6:197; abstract, 1:10; 2:304, 309; adorer of, 4:276; 6:290; apprehension of, 1:10, 70, 166; 2:264; 12:30; basis of aristocracy, 10:43; the only armor, 6:219; unity with beauty, 1:59

Nature, Moore's view of, 1:103; modern sentimentalism about, 375; man's connection with, 376; in Thoreau's writings, 381; her indifference to man, 2:131; as viewed by Rousseau, 266; early view of, 319; the free shows provided by, 3:257; Chaucer's love of, 355; love of, a modern thing 260; ignored by French criticism, 4:9; its double meanings, 258



The relative importance of the colon and semicolon must be indicated by spacing; very narrow spaces on each side of the colon and regular spacing after the semicolon will prevent any confusion.

If the volumes are divided into parts or parts into volumes express thus: v. 1, pt 1:39<sup>1</sup>; pt 3, v. 2:159<sup>1</sup>.

In case of series of reports, proceedings etc. when the volumes are not numbered, citation must be by year; e. g. '55:171; '01:62.

When desirable to include month and year in periodical references cite thus: 53:109 (Jan. '95); 68:149 (22 June '99); or, in more strictly bibliographic work, Dec. 1897, 12:622-65. In a long index Library Bureau abbreviations of months save space: Ja, F, Mr, Ap, My, Je, Jl, Ag, S, O, N. D.

#### MECHANICAL METHODS

The clerical methods of constructing indexes are three.

1 **Blank book plan.** In this an alphabetic arrangement is approximated by allotting a certain number of pages to letters or combinations of two or more letters—Aa, Ab, Ac, Ba, Be, Bl, etc. A book provided with marginal letter tags is desirable for this use, or better, because it admits of interpolation, separate sheets provided with marginal index letters, clamped in a binder<sup>1</sup>. The space allotted to the combinations must not be equal, but proportional. Obviously much more space is required for headings beginning with C than with Q; Ad will attract many more entries than Aa.

**Relative space for letters.** The relative importance of the letters of the alphabet has been the subject of considerable research and comparison. H. B. Wheatley gives some results in his *How to Make an Index*, p. 197-202. It is made evident that C and S are always full in both name and subject indexes; B frequently leads all in name indexes but generally falls to a position midway in subject indexes; M ranks somewhat above the average, and in indexes of English names, W and H rank high. A is first of the vowels, the others standing but little higher than J, K and Q. The first half of the alphabet requires appreciably more space than the second. While statistics prove the general average, they also reveal great variation in special instances. It is apparent that in an index to New York local history Dutch names would raise the letter V, usually of low rank, to an important position, and occasionally the ordinary proportions are altered most unexpectedly. There is always danger of miscalculation in assigning

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<sup>1</sup>For fuller description and criticism of this method see Clarke, *Practical Indexing*, p. 155-60.



space, and consequent blocking of letters. When this occurs, a new place must be set aside, a reference made, and thereafter it will be necessary to look in both places for entries under that combination. This system has been very popular for office indexes but is everywhere giving way to the card form.

**2 Order of occurrence.** The second method, often used in preparing book indexes, is that of making entries on sheets in the order of the matter indexed. When complete they are cut apart, alphabetized and mounted on sheets for the printer.

**Alphabeting slips.** In sorting into alphabetic order, the slips are first thrown into piles by initial letter, according to an imaginary diagram in five columns of five letters each:

A	—	—	—	—	—	U
B	—	—	—	—	—	V
C	—	—	—	—	—	W
D	—	—	—	—	—	X
E	—	—	—	—	—	Y Z

The relative position of each letter is soon learned and slips are placed almost automatically. The first rough alphabeting should be followed by a more exact one. This method of indexing is very fully described by F. B. Perkins in a paper on "Book indexes" in *Public Libraries in the United States*, a special report of the Bureau of Education published at Washington in 1876. It is fairly satisfactory for extremely simple work, e. g. an author index to a classed list of books, but in more complicated indexing involves a considerable loss of time in referring to earlier entries and in final editing for the printer.

**3 Separate slips.** The third method, that of making entries on separate slips and filing them in trays in strict alphabetic order as the work proceeds, is much the best, and is described in detail on p. 487-90.

#### MARKING PROOF

**Advantages.** When the character of the special problem has been grasped and a general idea of what is needed attained, the text, whether in proof or already in book form, should be marked for entries. There are decided advantages in thus indicating headings, modifications and cross references on the matter to be indexed before writing the entries. Till the slips are alphabetized (a slow process and often delayed) in no other way can the indexer easily refer to headings and modifications already chosen for certain subjects, or discover forgotten decisions in puzzling cases. When a change



must be made in fulness of indexing the marked proofs are invaluable, and in a long index or one which has been interrupted, they are of great service in securing uniformity. In recurrent work, such as reports and proceedings, which frequently follow the same general plan year after year and contain much tabular matter, the marked text of the preceding volume is a much more useful guide than the printed index, and it often enables the indexer to delegate the work to an assistant, after marking the new sections, with general directions to follow proof of the preceding year. Perhaps most important of all, marking proofs makes it possible to consign the mechanical writing of entries to an assistant.

**Methods.** There are many possible ways of indicating entries in the text. Any method is good which is simple to use, avoids confusion and is readily grasped by an untrained assistant. A method which has stood the test of several years use in many kinds of indexes is as follows:

Indicate the heading by underlining in pencil the word or phrase, if in the text; if not, write it in the margin and underline. Indicate its modification, if any is needed, by a short line under the beginning of the modifying word or phrase, or inclose the phrase in curves, crossing out unnecessary words and making any other desired changes. If connection between heading and modification is not clear use a tracer. Indicate a "see" reference by x under the word from which reference is to be made to the word underlined for heading; e. g.

<u>Roads</u>	Highways
	x

A "see also" reference may be indicated by adding the word "also"; e. g.

<u>Roads</u>	Highways
	x also

If reference is to be made both ways put x under each word; e. g.

<u>Property</u>	Mortgage
x	x

The "also" is superfluous in this case, because the fact that double reference is desired shows the form. Most frequently the heading referred from has to be written in the margin and so is just as easily written "Mortgage, see also"; or, if it is the heading referred to, "See also Mortgage."

The following extract from Nichols's *Indexing* expresses principles of value to the indexer and has been marked to illustrate the plan described above:



ance

uniform

how to treat

synonymous terms

ways to key

Consistency and uniformity are very desirable throughout the index. Consistency, besides being necessarily a part of a well ordered system, tends to prevent mistakes. In an index which lacks uniformity of composition, a searcher, finding one arrangement in one case and not the same arrangement in another similar case, may thereby be erroneously led to suppose that the index contains nothing on the latter subject. It is, however, quite impossible always to follow rigidly any plan or system. The judgment of the indexer will be constantly exercised in the discrimination between and settlement of fine points. A certain amount of latitude and elasticity must always be admissible and much must be left to the good sense of the indexer.

As a subject is newly encountered the indexer should first carefully determine just what the exact subject is, and then how best to express it, select the headings and modifications—all those under which search is likely to be made—that best express the meaning. Whenever the same subject occurs afterward enter under the same headings. If there are several synonymous headings equally eligible, select one of them for entry and make

decide

cross reference from the others to it. The language of the text (text) and least of all titles, except in title entry (need not be followed) and should never be slavishly followed in the wording of the headings and modifications, these should express in the most exact (fine shades of meaning being considered), the plainest and briefest way possible the actual subject, the entries should be reduced to their simplest form, and if possible to a single word.

The markings call for entries as below, the page citations referring to Nichols's *Indexing*, which is printed in double columns.

Consistency, importance, 3<sup>12</sup>

Uniformity, *see* Consistency

Consistency not chief aim, 3<sup>14</sup>

Subject, new, how to treat, 3<sup>26</sup>

Headings, decide on and follow uniformly, 3<sup>28</sup>

Synonymous headings, 3<sup>28</sup>

Headings, synonymous, 3<sup>28</sup>

Cross reference, from synonymous terms, 3<sup>27</sup>

Language of text often disregarded, 3<sup>27</sup>

Text words not always best key, 3<sup>27</sup>

Titles need not be followed, 3<sup>27</sup>

Headings, briefest clear form, 3<sup>28</sup>

Modifications, briefest clear form, 3<sup>28</sup>

A single marking of the heading "Consistency" stands for modifications, because no other heading intervenes. The underline under "synonymous headings" shows that the words be taken together as a heading; the second line under "he



directs that it be used alone as a heading, modified by "synonymous," as indicated by the short second line under that word. Curves inclose the modification of the heading "Titles," because the short line would not make clear how much of the phrase was to be taken. Tracers show that "briefest clear form" is to modify both "heading" and "modifications."

**Perspective in choosing headings.** It should be noted that these entries are made for a separate monograph on indexing very fully analyzed. If published with miscellaneous papers on other subjects the headings chosen here would be inappropriate; most, if not all of them, in that case, should be entered as modifications under the heading "Indexing." Mr Nichols's paper was in fact first published in v. 17 of the *Library Journal*, where it appears in the index only under "Indexing (Nichols) 406-419." Had the indexer seen fit to analyze the paper somewhat the heading "Indexing" would still have been sufficient to cover all modifications.

The need of subheads under certain headings can sometimes be foreseen in marking the proof, and if the proper word is chosen then it will save time in alphabetizing and editing. The intention to treat as a subhead is indicated by the word "indent," a direction as to form of printing, which must be transferred to the bottom of the slip when the entry is written, for guidance to editor and copyist.

#### WRITING SLIPS

After the indexer has read enough of the text to make sure that the general scheme of indexing will not need changing, marked proofs can be given to an assistant for writing slips. For this are needed:

1 V slips. Small slips (V of the "standard sizes,"  $5\frac{1}{2} \times 7$  cm, being a convenient size) of light weight manila. Thinner slips may be used, and are preferable if they are to be pasted instead of copied, but if extremely thin are difficult to handle.

2 A tray, with divisions into which the slips fit loosely.

3 A "marker" dividing the page into ninths [see p. 482].

The V slips are large enough for properly condensed entries under ordinary conditions, and are recommended because they are cheaper and may be compactly filed.

P slips. Rarely, however, occasion may arise for preferring  $7 \times 12\frac{1}{2}$  cm thin ruled white slips, or if the index is to serve also as a permanent growing office record (e. g. a cumulating index to a periodical) even the heavier catalogue card. Trays and cab



may be bought for this size, which is that of standard catalogue cards.

**Rules for V slip entries.** Write on each slip a single entry, giving page, and if desired, ninth of page, to which it refers [see Page references, p. 481-82]. If matter overruns the page, make the reference inclusive, but let first mention suffice if not exceeding the page, unless so interrupted by other subjects that later mention might be overlooked [see p. 479] e. g.

Roosevelt, Theodore, literary  
work, 175, 221-24, 245

Title cards, 97<sup>4</sup>, 97<sup>7</sup>, 98<sup>3</sup>

Give each modification of the subject a separate slip. When the same unmodified heading, or the same heading and modification, occurs again, the page reference may be added to the first slip if finding it requires little more time than writing a new slip; e. g.

Jamestown, first settlers, 13

Jamestown, Capt. John Smith  
in, 13, 270

Adding to the original slip is worth a little trouble, since in a long index it is desirable to reduce the bulk of slips in alphabeting and the work of combining in editing. "See" and "see also" references need, of course, be written but once.

The entry should begin at the extreme upper left edge of the slip, with every line following indented slightly, so that, in alphabeting, the heading will readily catch the eye. The assistant indicates on the text by a check under the heading that the entry has been written, and places each slip as it is made behind those already in the tray, so that the entries will stand in order of occurrence, making "verifying" easy. In a long piece of work it is a good plan to put the cross reference slips in a separate tray. If alphabeted occasionally, reference to them is easy and prevents making extra slips when a cross reference already made is called for on subsequent proofs. Such separation also greatly facilitates comparison in editing.



## VERIFYING

The indexer, at frequent intervals unless the index is very short, should verify the slips, whether they have been written by himself or an assistant, by carefully comparing each with the marked proof, for correctness of heading, modification and page reference, specially noting inclusive pagings. The end of one subject and the beginning of a related one is often difficult to determine, and if the assistant is untrained it is well to indicate conclusion of a reference when marking the proof, writing it in the margin. While verifying, questions indicated on the proof must be settled or transferred to the slips for later decision [see p. 479] and often some of the editing can be done, saving time at the end, when there is frequently need of haste.

## ALPHABETING SLIPS

Except in very short indexes the slips should be alphabeted often, later blocks of slips being added to those already alphabeted as soon as they are verified, so that when the last block is added the alphabeting of the whole index is finished. Frequent alphabeting is of practical service to the indexer as the work proceeds, the alphabeted slips being much easier to consult for forms of headings, etc. than the marked proofs; it also makes a large mass of slips easier to handle.

**Trays for alphabeting.** A small five division tray serves for alphabeting newly written slips when this is done frequently. If a large number must be alphabeted at one time the work is more quickly accomplished by means of a 24 division tray. If the heavier letters are likely to require much space, leave two compartments each for B, C and S, combining I and J, P and Q, and X, Y and Z in single compartments. It will aid inexperienced assistants if each compartment is labeled plainly with its letter. If each compartment has invariably assigned to it a certain letter it will soon require very slight attention to place the slips for a given letter in the right compartment, and no more than this need be attempted in a first rough alphabeting. Next take each letter by itself and alphabet exactly in the small tray. In an extremely elaborate index it may be worth while to take a second large tray and arrange by second or even third letter, words beginning with Ab, Ac, Aba, Abb, Aca, etc. before final alphabeting. Familiarity with the headings of an index will suggest devices to lessen the tedium of alphabeting a large number of slips; e. g. if a certain name or subject heading occurs very often it is a gain in the first alphabeting to put all the slips containing it in another tray instead of throwing them in with the other slips of that letter.



## ARRANGEMENT OF MODIFICATIONS

Before final alphabeting this puzzling question must be decided: Shall the modifications under each heading be arranged in order of entry (i. e. order of occurrence) or alphabetically? In answering it the nature and use of the index must be the determining factor. Order of entry is quite generally used in books brought out by prominent publishers and is appropriate to the largest number of indexes. But neither arrangement should be slavishly followed throughout an index if a different grouping under certain headings would be more useful. Few searchers will study out your plan and hold you to it.

**Alphabetic order.** In indexes of ideas [see p. 469] prefer generally alphabetic order, alphabeting by the most significant word, not necessarily the word that by chance stands first in the modifying phrase. The important word may sometimes be brought to the first position by inversion, but this should never be done if the result is awkward and confusing; e. g.

Americans, activity, 329; conservatism, 201; crime no shock to, 216; destiny, 325, 418; value dexterity, 211; Dickens on, 167; dress with good sense, 86; contrasted with English, 125; deference to English, 161, 370; lack faith, 237; gentlemen, 419; lack idealism, 418; impulsiveness, 414.

[From index to Riverside edition of Emerson's *Works*]

Here the words "dexterity," "English," "faith" and "idealism," determine the alphabetic arrangement though they do not lead in the phrase.

**Order of entry.** Under biographic and historical headings, follow order of entry, which is in most cases at least approximately chronologic; e. g.

Barclay, Rev. Henry, born at Albany, 6; graduated at Yale, 6; rector of St Peter's Church, Albany, 7; rector of Trinity Church, N. Y., 8; marries, 9; doctor of divinity, 10; death, 11

This is easily followed and convenient. An alphabetic arrangement would have made the clergyman's death and elevation to the dignity of the doctor's degree follow immediately his birth, and precede his graduation from Yale, marriage and rectorships, conditions which offend one's sense of fitness, even in an index.



It is still more objectionable in cases where there are many modifications having no salient alphabetic key words to guide the seeker, who flounders helplessly and in no pleasant humor through time and space.

When a large number of entries must be given under the name of the subject of a biography or, e. g. under the name of Washington or Wellington in histories of the Revolution or Peninsular War, prominent divisions of the man's life may be made chronologic subheads, or brought out in black face or italic type, to attract attention. The index to Froude's *Erasmus* groups entries under Erasmus as follows:

Erasmus: (a few general entries here)

Youth (20 entries)

First visit to England, 1497 (15 entries)

In the Netherlands and France (21 entries)

Visits to England and to Italy

Fourth visit to England

In the Netherlands

Period of contest

After Charles V's election

After the Diet of Worms

After election of Adrian VI

After election of Clement VII

His later years

Diet of Augsburg

His last days

His writings

Letters of, to

Entries are arranged in order of occurrence under all the subheads, except the last, where names of correspondents are given in alphabetic order.

**Logical order.** Follow logical order or order of importance when clearly desirable; e. g.

Students, classes, 437<sup>4</sup>–38<sup>3</sup>; class of 1901, 450<sup>3</sup>; class of 1902, 450<sup>4</sup>–51<sup>4</sup>; elective work, 441<sup>3</sup>; geographic summary, 437<sup>4</sup>

There is no reason why in the same index alphabetic arrangement may not be used for the fuller headings, and order of entry for those covering few entries or relating to biographic or historical matter, with occasional logical groupings if desirable.

**Relative advantages.** In deciding between order of entry and alphabetic order for general arrangement of modifications, bear in mind relative advantages and disadvantages. Alphabetic order is a useful guide when the alphabetic key words are such as might readily occur to the searcher, enabling him to turn directly to the



required information. For matter about which he would probably have in mind a chronologic rather than an alphabetic outline, order of entry is better. One great advantage of order of entry is that if the searcher finds it necessary to consult all page references under a heading, he is sent through the volume or volumes in order, instead of being forced to lose time in turning back and forth, as the alphabetic arrangement would probably require. In a long index where there are a great many modifications under headings other than biographic or historical, and particularly when the modifications are brief, alphabetic order is generally more convenient. This is almost invariably true when the index is to be printed in entry a line form [see p. 496].

**Consistency.** The indexer should not magnify too much the importance of his scheme. He should remember that the user of the index will never read it through or make any profound study of its plan, but will look for specific information and wish to find it in each case by the simplest means. Consistency is to be shown in making entries always clear and convenient for the user, not in following always the same process. When uniform methods will aid, follow them; when they will confuse or impede, forsake them.

When the plan for order of modifications has been settled, the general direction may be given the assistant, special arrangement under certain headings being a part of the indexer's work in editing.

**Subheads.** In very exact and complicated work, oftenest in indexes to technical matter, subheads and sub-subheads are used to avoid repetition and the crowding of material under too general modifications. If a modification has but two submodifications, they are better retained in the general group unless clearness would be sacrificed; e. g.

Governors, power increased, 17<sup>8</sup>; messages an aid to comparative legislation, 20<sup>8</sup>; messages on problems in school organization, 22<sup>8</sup>–23<sup>8</sup>; veto power, 37<sup>8</sup>–39<sup>4</sup>

Three or more submodifications justify grouping under a subhead, e. g.

Boundaries, 11<sup>8</sup>, 22<sup>8</sup>, 22<sup>7</sup>;

Connecticut: 269<sup>8</sup>, 270<sup>8</sup>; articles of agreement, 34<sup>1</sup>; assembly act concerning, 272<sup>4</sup>; Connecticut river as boundary, 463<sup>8</sup>;

commissioners: 279<sup>4</sup>; appointed, 297<sup>8</sup>; instructions to 298<sup>8</sup>; report, 299<sup>8</sup>



The subjects here are really three: (1) Boundaries (2) Boundaries, Connecticut (3) Boundaries, Connecticut, commissioners; the last entry stated in full in the natural order would be: Report of the commissioners on the boundaries of Connecticut.

The sub-subhead, illustrated by "commissioners" in the last example, is seldom needed, but removes a difficulty as serious as it is infrequent. For examples of forms used in line indexes see p. 496. In paragraphed indexes [see p. 496] subheads should follow the single modifications, whether these have been grouped in order of entry or alphabetically, and should be given in alphabetic sequence unless a logical order is plainly more useful. In the entry a line index modifications and subheads are arranged in one alphabet.

#### ARRANGEMENT OF CROSS REFERENCES

In paragraphed indexes all cross references are arranged alphabetically after all modifications, whether the latter are in a single group under main heading or divided among subheads. In line indexes general references from one subject to another are alphabetized at the end, but a reference from a specific modification follows that modification.

#### EDITING

**Cooperative work.** The importance of careful editing can hardly be overemphasized. Where many hands have been at work inconsistencies and omissions are inevitable. *Poole's Index to Periodical Literature*, prepared with the cooperation of the American Library Association, an invaluable tool to librarians, illustrates the dangers attending cooperative work. Material is divided between the headings "Country life" and "Rural life," "X-rays" and "Roentgen rays," "Cycling" and "Bicycling," with incomplete cross reference or none at all. Under "Eddystone lighthouse" three references are given, while in the same volume [1882-87] a fourth paper appears under "Lighthouses on the Eddystone rocks," no cross reference being provided with either heading. In the volume covering 1887-92 the headings "Athlete," "Athletic clubs," "Athletic sports" and "Athletics" are given. These include entries of articles on athletics in Harvard, Amherst, Cornell, and in France, Switzerland etc.; but under the heading "Harvard" are found entries on the athletic controversy at Harvard and on football at Harvard, and under "Eton" an entry on athletics at Eton, not repeated under "Athletics." There are no connecting cross references. To happen on these things shakes the searcher's confidence; he wonders how many more stray entries might be found under other headings



The natural and often justifiable impulse to accept the title word if it satisfactorily represents the subject in indexing magazine articles, results, when 150 periodicals are indexed by 50 persons working independently, in the scattering of identical subjects under many more or less synonymous headings. Only he who gathers the converging threads can see all the material, and to bring it into proper relation and secure a consistent whole will tax his vigilance to the utmost. Though the urgency of revision is specially evident for cooperative work, it is not less true that the work of one person needs sharp scrutiny after all the material is in hand.

**Points to be corrected in editing.** It is usually a waste of time to attempt final editing till all slips are alphabetized, so that the indexer can consult any heading from A to Z. It is at this point that new relations reveal themselves and inconsistencies, unavoidable in an index of much length, are most easily detected. They will be found in forms of headings, fulness of indexing, wording of modifications and use of cross references. Many of them may be discovered by reading the slips through slowly, but the most glaring omissions and inaccuracies are discovered through a conscientious comparison of synonymous or allied headings. This frequently leads to extensive changes; e. g. transferring modifications from one heading to another and substituting cross references; changing a "see" reference to a duplication or partial duplication of matter under a related heading; cutting out a heading and dividing its modifications among other more specific headings; condensing a number of modifications into one by broadening the statement, or substituting for a too comprehensive modification more specific ones. Such radical changes can not be made without frequent reference to the text, particularly if the matter referred to is not clearly in mind.

**Synonyms.** The synonyms of subject headings must be considered and, if any of value have been previously overlooked, either cross references or added entries must be made.

**Cross references.** New cross references must sometimes be made to link related headings [see Cross references, p. 480] and cross references already made must be carefully traced throughout the slips, or the reader will find references to headings which have been cut out and none to those which take their place.

**Class and specific headings.** Class and specific headings require careful editing. For instance, if "Zoology" is made a heading, recall its subdivisions and if any have been brought out as headings see that cross reference to them is made. If both "Ani-



mals " and " Zoology " have been used, discard one heading if possible, retaining the one more appropriate to the text; make reference in either case; e. g.

Zoology, *see* Animals

Animals, *see also* Baboon; Fox; Lion

Birds, *see also* Robin; Vireo

If there are entries under a great number of species it may be better to substitute a general reference:

Animals, *see also names of animals*

Birds, *see also names of birds*

This form is rarely preferable except in "growing indexes."

Take care that no reference to a special animal or bird is entered under the general instead of under the more specific heading.

When it is decided late in the work to throw certain matter under a subhead or sub-subhead make sure that its modifications are reworded to suit the new arrangement, and that under it is placed every modification which rightfully belongs there.

**Cancelations.** Superfluous words which have been allowed to stand on the slips should now be canceled and words injudiciously canceled on slips be restored [see p. 476-77].

Questions of doubtful treatment, which have been noted on the slips in verifying, must be settled and the notes canceled to prevent confusing the assistant when copying or mounting slips.

Finally, any desired rearrangement in order of modifications must be made.

#### FORMS OF PRINTING

**Style.** The two commonest forms of index are (1) paragraphed and (2) entry a line. Both forms have hanging indention, i. e. every heading begins flush with the left side of the column, and each succeeding line is indented or set in.

1 **Paragraphed index.** In the paragraphed index, the modifications and references under headings follow close on each other, forming a block or solid column. The paragraph is broken for: (a) a subhead, distinguished by first indention; (b) a sub-subhead, having second indention; (c) a cross reference after subhead or sub-subhead, which is in a line with preceding modifications; e. g.



Tables, description, 51<sup>2</sup>. *See also*

Statistics

Technical schools, bulletin on, 16<sup>4</sup>;

power to grant certificates, 51<sup>8</sup>,

135<sup>9</sup>-36<sup>2</sup>; legislation affecting, 137<sup>2</sup>-40<sup>3</sup>;

statistics: 74-81, 475-91; commencement, 478; days in session,

73, 478; incorporation, 476; prop-

erty, 484-87; students, 480-82

*See also* Professional schools; Universities, statistics

Temple Grove seminary, Saratoga

Springs, statistics, 526-41

**2 Entry a line index.** This differs in arrangement of modifications and subheads. Each modification after the first begins on a new line, slightly indented (1 em) under the heading, forming an index column at the left, unbroken except when a modification occurs on the line. Subheads have the same arrangement, but a double indentation. This form is most commonly used for word and subject indexes and is much easier to refer to than the paragraphed form but occupies more space; e. g.

Earnings, *see* Wages

Editors, 2534

Education, 164-718; 1187-88

boards of, 191, 207, 217-36, 264	(1 em indention)
----------------------------------	------------------

277, 320	(3 ems " )
----------	------------

city boards, 164, 202, 256-57,	(2 ems " )
--------------------------------	------------

331-32, 409	(3 ems " )
-------------	------------

county boards, 164, 168, 174

district boards, 174-75, 351

state boards, 164, 175

territorial boards, 170

higher, 525-99

professional, 590-99

*See also* Schools; Universities

Educational bulletins, 225

corporations, 1227, 1234-35, 1662

institutions, 1405, 1493-98, 2998

*See also* Schools; Universities

journals, 164

Ejectment, 2875-78

**3 Combined form.** By a combination of the paragraphed form and entry a line index it is possible to secure much of the condensation of the first with the prominent alphabetizing of the second in the paragraphed form. Modifications which do not lend themselves easily to the entry a line index form; e. g.



**Bird psychology, 46**

courage, 28

dissimulation, 32

individuality, 10-11

inherited instincts, 27

intelligence shown in

building, 52; bringing up young,

18; cooperation, 18; getting food,

262; protecting young, 39; strat-

egy, 39-40

play impulse, 75

storing habit, 133

[From Merriam's *Birds of Village and Field*, Houghton]**COPYING**

**General rules.** The following rules apply to both paragraphed entry a line forms:

Write legibly in black ink on only one side of uniform sheets; be sure that figures and punctuation can not be mistaken. Leave wide margin at left and generous spaces between lines to allow interpolation. Keep headings in vertical line, indenting at least an inch modifications which overrun the width of the page. Write each heading once and pay no attention to its repetition on slips, copying only the modifications. Single out all the items under one heading when its copying is begun, making certain to begin the next heading begins.

**"see" and "See also."** In references from one heading to another the word "see" should be preceded by a comma and written with a small s; but "See also," which always stands at the beginning of a sentence, should be preceded by a period and written with a capital S; underline in both cases, to indicate italic type. Write the words "see" and "see also" only once, but begin each item referred to with a capital, and separate them by semi-colons.

**Period.** Omit periods at ends of paragraphs.

**Dates in italic.** Underline all dates for italic type; e. g. Princeton council, 1893, 14<sup>th</sup>

**Inclusive figures.** Write inclusive figures thus:

4-17

175-76

2107-209

27-29

137-233

2137-38

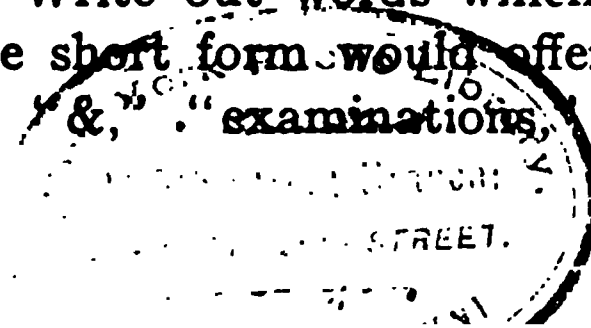
107-9

2007-9

1987-2000

is, write out last two figures of second paging, except where a naught following the last figure or a change in the initial figure interferes with the

**Abbreviations.** Write out words which have been abbreviated on slips if the short form would offend on the printed page "and," not "&," "examinations," not "exams." Abbre-





viations may be used somewhat more freely in an index than elsewhere but should not be multiplied to confusion. If an elaborate system is employed under urgent need of economy of space, a running footnote should be given referring to the page where the explanatory table is to be found.

**Space between letters.** Leave extra space between initial A and B, and so on throughout the alphabet, inserting the word "slug." Draw a line (or "ring") round this and other directions, the "ring" being the sign to the printer that words are not to be printed.

**Numbered sheets.** Number finished sheets consecutively with large figures in upper right hand corner. Do not roll or fold.

**Special rules for paragraphed index.** The following rules apply only to the paragraphed index:

Separate modifications under each heading by semicolon.

Indent subheads; but if modifications under subheads overrun the width of the page, bring second and following lines out to the vertical line of modifications under heading. In case of sub-subhead indent again and bring second and following lines out to vertical line of first subhead. Follow the page reference immediately preceding the indented subhead by a semicolon, and separate the subhead and its modifications by a colon [see illustrations, p. 496].

**Special rules for entry a line.** Begin each modification on a new line. Do not capitalize first word of modifications unless it is a proper name or other word which under editing rules requires a capital.

**First word.** If several entries begin with the same word, do not repeat unless necessary to prevent ambiguity [see p. 499] but indent modifications; e. g.

Cotton, 1546  
factory insurance companies, 1773  
gins, 502  
seed meal, 1473

Follow the same principle where several modifications under heading begin with the same word, using a second indentation.

**"See also."** "See also" should be written with a capital S, on a separate line, with a second indentation, and underlined for italic type [see illustrations, p. 496].

**Combined word and subject index.** In rare instances a combination of the word index and subject index is desirable. In this case, apply rules for line index to lists of words more easily consulted in that form, and rules for paragraphed index to all other headings.



## PASTING

A much quicker method of preparing slips for printing is to paste them consecutively on large sheets of paper, overlapping them when the entry does not cover the whole slip. If, after editing, the slips are perfectly legible, this method is feasible (1) when the index is not too complicated; (2) when the slips will not be needed again. In case of separate volumes of a set or numbers of a series the consolidated index is most easily constructed from the slips of the separate indexes, with careful reediting. Slips should also be preserved in case of annual reports similar in plan from year to year, when changing the page references will often save half the work of slip writing.

## FINAL PREPARATION FOR PRINTER

If the index is copied, the manuscript must be carefully compared with the slips. This is most quickly and accurately done by two persons, the assistant reading aloud from the slips while the indexer follows the copy. The reader must give carefully not only words, but significant punctuation and the spelling of proper names where there is a possibility of mistake.

Take care that in case of persons with same surname or wholly identical names, or of words identical in spelling but different in meaning (homonyms), the heading is repeated. Otherwise ludicrous mistakes are likely to occur, most often in line indexes; e. g.

Lead, copper  
metallurgy  
kindly light (Newman)  
poisoning

or (from the index to Bartlett's *Familiar Quotations*)

Sow for him, build for him, 470

he that observeth the wind shall not, 831

thy seed in the morning, 831

wrong, by the ear, 19, 785

ye are like to reap, as you, 214

**Type.** Indicate use of heavier type for the first word under a new letter by a colored pencil line, and state its meaning on the sheet of directions to printer unless already understood. On the same sheet indicate type and leading for the whole index, dimensions of page and width of column.

**Indention.** If the indention is usual, mark it only once in the margin of copy of first page, taking care to "ring" all such explanatory matter to make plain that it is not to be set up. Indicate indention of subheads and sub-subheads by outlining a small square, the printer's sign for indention, in the margin where they occur. If the indention is to be more than 1 em, write the number of ems in the rectangle; e. g.



## Education, 164-718, 1187-88

1 em	boards of, 191, 207, 217-36, 264.
------	-----------------------------------

3 ems	277, 320
-------	----------

2 ems	city boards, 218, 223, 2223, 2227, 2231, 2233, 2243, 2245, 2267, 2283, 2350
-------	---

	county boards, 2230, 2235, 2240
--	---------------------------------

**Pasted copy.** If the slips have been pasted, all the omissions and corrections that would have been made in copying must be indicated. Cross out all repetitions of a heading and, if the index is to be printed in paragraphed form, connect the modifications by semicolons and tracers. Correct illegible letters and figures, inaccurate punctuation and capitalization, and write in the necessary marginal directions as on ordinary copy. This is particular work and should always be done by the indexer. Last of all run quickly over the alphabeting of headings which may have become slightly disarranged in copying or pasting and failed to catch the reviser's attention, directed to details of individual entries.

**PROOF-READING**

The proofs should be carefully read by the indexer, with mind alert for mistakes and omissions, whether his own or the compositor's. The alphabeting should again be gone over, preferably in page proofs after most of the corrections have been made. On page proof also the heading, followed by the word "continued" in curves and italicized, must be inserted wherever entries overrun a column; e. g.

Property, 377

actions affecting, 739

conveyances of, 392

damages to, 384

judicial sales, 736

Property (*continued*)

lines, 386

personal, 400

real estate, 379

titles to, 381

It is also well in a long index which has come from the printer in sections, to verify all cross references on the final proof, to make sure that none have been invalidated by alterations while the work was in progress. These are hard sayings because they involve drudgery; but the indexer who lacks patience to take infinite pains for the sake of verbal accuracy, to be vigilant to the verge of fussiness, has missed his vocation, however great his mental power and learning. An erroneous reference is a bibliographic crime.

**INDEXING PERIODICALS**

**Classified indexes.** There is no branch of indexing more important at present than indexing periodicals, and, unfortunately, few serial publications are indexed completely or according to a rational



lan. A large proportion offer instead of a true table of subjects one alphabet, several alphabetic lists of titles or subjects found in the various departments of the magazine, under such headings as "The Week," "Editorial," "Contributed articles," "Correspondence." This forces the seeker to consult several alphabets to obtain all material on a given subject, and often separates statements of fact from editorial comment or the criticism of correspondents. The New York *Nation* index has seven separate alphabets, under "The Week at home," "Abroad," "Notes," "Editorial and miscellaneous," "Special correspondence," "Occasional correspondence" (an inane distinction to the consulter of an index), "Titles of books reviewed," followed by page references without analysis under "Books of the week." A still more irritating example of this tendency to classify what for convenience of reference should be alphabeted is the index to the London *Athenaeum*, an elaborate piece of work which John Denison Champlin, who through long experience as a compiler of useful information has gained wide acquaintance with indexes and authority to criticize, characterizes as "interesting as a puzzle, but deficient in almost every quality that should go toward the making of a useful index . . . a series of useless wheels within wheels." Its five grand divisions are "Literature," "Science," "Fine arts," "Music," "Drama"; each of these departments is subdivided into five or six groups varying somewhat in caption, the headings under "Literature" being "Reviews," "Poetry," "Original papers," "Obituaries," "Gossip." The result is some 27 alphabets, inconvenient for searchers who have studied the plan and hopeless without such study.

**Symbols to mark class.** Some indication is needed in the index of the scope and form of matter cited. A reader wishes to know whether he is being referred to a brief note or an extended treatment, an official editorial statement or a hospitable presentation of opinions possibly not indorsed by the editor. This can be attained in a single alphabet by use of compact abbreviations or symbols to distinguish different forms of editorial matter, correspondence, contributed papers, etc. or to call attention to illustrated articles. Letters, stars, daggers etc. may be employed; whatever scheme is devised should always be carefully explained at the beginning of each volume index.

**Book reviews and poetry.** The only exception to the rule already quoted that an index should be one and indivisible [see p. 467] is in favor of grouping book reviews and poems by themselves, either



at the end or under B and P in the main alphabet. The reason for this treatment of book notices is that they constitute a peculiar class of entries often sought as such, and if dispersed by initial through the main alphabet of subjects and authors would be easily confused with entries of a different character, and even if distinguished by a symbol would be traced with much effort. It is, therefore, hardly a violation of the general rule to treat "Book notices" as a subject heading and alphabet under it, and the superior convenience of that arrangement is generally conceded by those who have most occasion to consult reviews. This group should include all the critical estimates of books which the volume contains, whether found in a department specially devoted to reviews or under some individual title in the body of the magazine. A critical paper entitled "Six Notable Novels" need hardly appear in the index under title, but each of the six novels must be brought out. If several books on a single subject are grouped for review under a significant title, e. g. "Tuscan sculpture" or "The praise of Switzerland," it may be well not only to enter the books reviewed under "Book notices," but also to bring out such title in the main alphabet.

Poems are separately grouped for similar reasons. Persons seeking them probably will not remember exact titles but can quickly identify a poem sought in a comparatively small group. Perhaps the most satisfactory plan is to alphabet titles, followed by author's surname in curves, under the heading "Poems," and enter each poem also under author in the general alphabet, the word "poem" following the title in curves; e. g.

Poems

Three things (Scollard)

Watcher, The (Dickinson)

In the main alphabet:

Dickinson, Martha G. The watcher (poem)

Scollard, Clinton. Three things (poem)

**Title indexes.** Another unsatisfactory type of magazine index, though in one alphabet, gives only actual titles of articles without attempt to bring out subjects where the titles give no clue. Where the title satisfactorily indicates the subject the key word should be brought to the front by inversion, if necessary; e. g.

Cromwell, Constitutional experiments of

Here a second entry in the natural order might well be made for readers seeking national or constitutional history.

Cuba, American misgovernment of

Gilbert, Mrs, Stage reminiscences of

Art and philosophy, ancient feud between



Here a possible second entry should be under "Philosophy" rather than "Ancient."

Mere inversion of title will not, however, always produce satisfactory results, as is easily illustrated: "Mule go, Must the canal?" does not properly represent a discussion of the use of electric motors on canals. "Better, The less of it the" is not an illuminating entry. It may sometimes be necessary to good sense, and therefore justifiable, to make slight alterations in form when titles are inverted; e. g.

Lamp, Maggie Murphy incandescent  
Halibut, Shipping the Pacific coast east

would be better represented by

Lamp, incandescent; The Maggie Murphy  
Halibut, Shipping east from Pacific coast.<sup>1</sup>

The searcher who comes to the index for a certain subject without previous knowledge of the actual content of the volume must find his clue under subject. He knows nothing of picturesque titles invented to attract persons not previously conscious of interest in the subject. Nor does the average reader of periodicals often recall the exact title of an article, and unless it is odd or striking enough to remain in his memory his search is always for the person, place or subject written about or the author of an interesting essay or clever story, the title of which was of minor importance and quickly forgotten. Therefore, if both subject and title can not be included, omit the title entry.

**Striking titles.** In some instances, however, entries should be made under titles which afford no clue to the real subject. A paper by Bradford Torrey on the habits of humming birds was published in the *Atlantic Monthly* entitled "A Widow and Twins." This striking title might easily remain in the reader's mind whether he had read the paper or simply glanced through the table of contents with a view to future reading, and it is properly brought out under

"Widow and twins, A." (Torrey)

The subject entry would be:

Humming birds: A widow and twins (Torrey)

and an author entry:

Torrey, Bradford, A widow and twins

would meet the needs of those in search of Mr Torrey's writings. Subject and title entries for the paper "Hunting Big Game with the Camera" might be as follows:

---

<sup>1</sup> These examples of "how not to do it" are taken from existing indexes.



Photography of animals. Hunting big game with the camera  
 Animal photography. Hunting big game with the camera  
 Camera, Hunting big game with the

The first entry is imperative, the second desirable; the third might be spared without serious loss if strict economy of space must be practised. The following examples further illustrate the principle:

United States, commerce. Our nation and the trade of the world  
 Vancouver island. Under the western pines  
 Philippines. Uncle Sam's legacy of slaves  
 Negroes. Transplantation of a race

An exception is made of fiction and poetry, which are in most cases best entered under first word of title not an article [see also p. 502].

**Series on one subject.** Where a series of articles on one general subject but with considerable variety of title is to be indexed they should be assembled in alphabetic order under the general subject heading; or, a reference may be made from the subject to the name of the writer, under which the several titles should appear; e. g.

Boer war, papers by James Barnes  
 Between two battlefields  
 Boer war in pictures  
 Cronje, capture of  
 From the Cape to the front  
 Modder river, At

or

Boer war, *see* Barnes, James  
 Barnes, James  
 Between two battlefields  
 Boer war in pictures  
 Cronje, Capture of  
 etc.

**Author entry.** It should be said that most periodical indexes, except those of literary reviews, are at present limited to title or subject entry; but the value of entry under author is unquestionable, and the ideal index includes it.

**Entries for poetry.** The importance of author entry is specially evident in case of poems, which do not often lend themselves readily to subject entry and frequently have fanciful titles furnishing no salient alphabetic key word. It is plainly better to enter under title in the natural order such poems as Eugene Field's verses *To a Usurper*, addressed to his little son, George H. Stacy's *In Days Like These*, a prayer for the country written during the Spanish War, James Whitcomb Riley's *Happy Little Cripple*, Emily Dickinson's *Called Back*, Mary Thacher Higginson's love poem *In the Dark*, than



to make any attempt at subject entry. Nor would anything be gained by inverting the titles. Many readers, however, recalling the poems seen in a magazine, would seek them first under the author's name [see p. 503].

#### RULES FOR FORM OF HEADING

The following specific rules are those in most general use. Many may be found in more detail and with numerous illustrations in C: A. Cutter's *Rules for a Dictionary Catalogue*. In following them remember that if a form of name chosen for entry in the index differs from any form in the text sufficiently to make its recognition doubtful, the text form must appear in the index with a cross reference to the form chosen. Rules 1, 3, 6, 9, 15, 17 furnish examples.

**Catalogue rules not always applicable to index.** Bear in mind also that the rules quoted are primarily cataloguing rules and that many of them apply without question only to the more formal type of index suitable for bibliographies. Rules which are important to secure uniformity in a catalogue may be absurd applied to a book index, because the catalogue relates to many books, and continually grows, while the index pertains only to a single work, and is fixed. In ordinary book indexing it is generally better to use forms of name entry in general accord with the custom of the text indexed, making references from other forms only when the average reader would be likely to seek them. Bearing these modifications in mind the rules following will be of material aid in deciding doubtful questions.

**1 Pseudonym.** Index under the real name, with reference from the pseudonym, unless the pseudonym is decidedly better known; e. g.

Clemens, Samuel L.

Twain, Mark, *pseud.* see Clemens, Samuel L.

*but* Greenwood, Grace, *pseud.*

Lippincott, Mrs S. J. see Greenwood, Grace

**2 Joint authors.** When an essay or article has two authors, index thus:

Johnson, R.A. & Richards, O.W. Oxford liberalism

Richards, O.W. & Johnson, R.A. Oxford liberalism

If more than two, in very full bibliographic work index under each in this form:

Miller, C.G. & others. Trust question

In ordinary indexing a single entry under the first author's name as above is generally sufficient.

**3 Changed name.** Index under last well known form, making reference from other forms if necessary; e. g.



Jackson, Mrs H.H.

Hunt, Helen, *see* Jackson, Mrs H.H.

*but* Wiggin, Mrs K.D. [no reference from Riggs]

If later Mrs Riggs should write under the name of Riggs, a reference or change of entry form would become necessary.

**4 Compound name.** Index English compound names under last part, unless the person is better known by first part or has written under first part before adopting last part; e. g.

Gould, Sabine Baring-

Baring-Gould, Sabine, *see* Gould, Sabine Baring-

*but* Halliwell-Phillipps, J.O.

Index foreign names under first part; e. g.

Duplessis-Bochart, Guillaume Guillemot

**5 Name with preposition.** Index English and French surnames beginning with a preposition (except the French *de* and *d'*) under preposition; in other languages under word following. Make references from other forms likely to be looked for; e. g.

La Fontaine, Jean de

Goethe, Johann Wolfgang von

Vinci, Leonardo da

Da Vinci, Leonardo, *see* Vinci, Leonardo da

But if such a name is anglicized enter it under preposition; e. g.

De Quincey, Thomas

Van Rensselaer, Stephen

**6 Noblemen.** Index under highest title unless the family name or a lower title is decidedly better known, and make references from other forms when necessary; e. g.

Chesterfield, Philip Dormer Stanhope, earl of

*not* Stanhope, P.D. earl of Chesterfield

*but* Walpole, Robert

*not* Orford, Robert Walpole, earl of

**7 Popes, sovereigns etc.** Index popes, saints, sovereigns, princes, orientals and all others known only by their first names under forename, with reference when necessary; e. g.

Napoleon

Bonaparte, *see* Napoleon

Victoria, queen of England

Omar Khayyam

Khayyam, Omar, *see* Omar Khayyam

**8 Ecclesiastical dignitaries.** Index under surnames, except popes; e. g.

Newman, J.H. cardinal

Potter, H.C. bishop of New York

Pius 10

**9 Foreign names.** Index under English form unless foreign form is better known; e. g.



Cologne, *not* Köln  
 Raphael, *not* Raffaello  
*but* Giovanni, *not* John

**10 Geographic names.** Index names of capes, lakes, forts, mountains, gulfs, bays etc. under the distinctive part of name, unless prefix and name have come to be inseparable in thought; e. g.

Erie, Lake	<i>but</i> Fort Wayne [city]
Rainier, Mount	Lake of the Woods
Good Hope, Cape of	Bay of Islands
Biscay, Bay of	Isles of Shoals

**11 Anonymous writings.** Index anonymous essays, magazine articles or book titles under title, ignoring articles or introductory phrases; except in biographies, and in many cases historical matter, when entry under person or place is sufficient, unless title is striking enough to be sought for [see p. 511].

**12 Biography.** Index biographic matter under subject as well as author.

**13 Official publications.** Index official publications under the country, city, society, institution, convention or other body responsible for them. In case of government departments, index under bureau or office concerned, inverting to bring the distinctive term first, except where entries under country are so few that no sub-grouping will be required. Make references from the larger division if desirable; e. g.

United States, Education, Bureau of

*not* United States, Department of the Interior, Bureau of education

Note that this applies positively only to bibliographies and catalogues. In many book indexes it is much wiser to pass over country name and enter directly under the subject word; e. g. Education.

Prefer name of office to official title of officer, but index under officer when the office has no name; e. g.

Illinois, state entomologist

**14 Person vs officer.** In ordinary book and current periodical indexing, enter under personal name rather than official title. In elaborate historical work, however, the following rule formulated for growing catalogues may be useful:

Distinguish carefully between official and personal writings. Index opinions of judges in a suit under name of court, but opinion of single judge under his name. Index presidents messages under "President," personal writings under his name. Make all necessary references.

**15 Societies, institutions.** Index national and nonlocal societies, political parties, universities etc. under official name, with necessary references from place or any other form; e. g.



American society of civil engineers

Civil engineers, American society of, *see* American society of civil engineers

Engineers, civil, *see* Civil engineers, *or* (if there are no entries under that heading) American society of civil engineers

Republican party

University of Chicago

Chicago university, *see* University of Chicago

Index local societies, schools, churches, art galleries, libraries and other institutions not national under name of place where situated unless known by a distinctive name, when reference from place should be freely added; e. g.

Royal society of London

London, Royal society, *see* Royal society of London

Masten Park high school, Buffalo

Buffalo, Masten Park high school, *see* Masten Park high school

Trinity church, New York city

New York city, Trinity church, *see* Trinity church

Newark (N. Y.) First presbyterian church

Boston public library

Astor library, New York city

New York city, Astor library, *see* Astor library

**16 Periodicals.** Index name under first word of title not an article. If the organ of a society or club, index under name of periodical, with reference from society; but index regular proceedings or transactions of a society under its name; e. g.

Journal of the Franklin institute

Franklin institute, Journal, *see* Journal of the Franklin institute

American institute of electrical engineers, Transactions

**17 Conventions, expositions.** Index conventions, congresses and expositions under name if distinctive, with reference from place and other forms of name; under place if better known by it; e. g.

Centennial exhibition, Philadelphia

Philadelphia, Centennial exhibition, *see* Centennial exhibition

Paris exposition, 1902

**18 Committees.** Index under names of bodies to which they belong; e. g.

United States Congress, manufactures, House committee on

See also rule 13 and note.

**19 Petitions.** Index petitions or publications of any unorganized class under place; e. g. "Petition of merchants of Chicago" under "Chicago, merchants."

**20 Ships.** In general, index under first word; but if named after a person whose surname is given in full, and specially where only a title of honor or initials of Christian name accompany surname, enter under surname; add word "vessel" *or* a more specific term if desirable, in curves; e. g.



Ellen R. (vessel)  
 Mary Jane (tug)  
 Golden Fleece (sloop)  
 Sherman, Gen. W. T. (vessel)

This rule must sometimes be set aside in order to follow common usage, which varies greatly; if a vessel is generally spoken of by the full name enter e. g.

Dean Richmond  
 Mary Powell

#### RULES FOR AUTHOR AND TITLE

For choice and form of author headings see Rules for form of heading, page 505.

**Full or shortened names.** The fulness of authors' names must be determined by the nature and use of the index. If an index containing personal names is likely to be used in genealogic research full names should be given. In many cases the form as it occurs in the text is preferable; but for the average book index and for indexes to a series of volumes containing the same name in various forms the common rule is to enter single forenames in full, but to use initials only if more than one, unless two or more persons have the same surname and initials. This rule, like all others, should be followed in the light of common sense. The entry

Jones, J. P., Journal

acquires new interest and significance, and therefore greater usefulness, if amplified to

Jones, John Paul, Journal

**Titles in text.** When titles of books mentioned or discussed in the regular text are to be included in the index, enter them as modifications under author's name, but italicized to distinguish them from other modifications; e. g. (in life of Goethe)

Lessing, G.E., 1:3; *Philotas*, 64; *Laokoon*, 81; *Minna*, 88; in Leipzig, 96; *Emilia Galotti*, 190; death, 397, 2:92; *Nathan*, 196

In indexing biography or criticism of a single author, index works under first word of title not an article, omitting insignificant introductory expressions; e. g. (if example just quoted were in a life of Lessing)

*Philotas*, date of publication, 1:64

*Laokoon*, Goethe's opinion of, 1:81

**Book lists.** In indexing classed lists of books, in library or publishing work, where ready reference is of first importance and justifies the use of more space, a better method is to divide the kinds of modifications, placing the subject modifications first in a paragraph and alphabetizing titles in separate lines; e. g.



- Scott, Walter, biography and criticism, 43<sup>b</sup>-44<sup>b</sup>, 62<sup>b</sup>-72<sup>a</sup>  
 ——— Complete poetical works, 91<sup>b</sup>  
 ——— Fair maid of Perth, 72<sup>i</sup>  
 ——— Guy Mannering, 72<sup>b</sup>  
 ——— Ivanhoe, 92<sup>b</sup>

The use of the dash for repetition of heading is well recognized, saves space and in most cases reduces entries to a line, facilitating reference. In case of joint authorship two dashes are used; e. g.

- Howell, G.R. Date of settlement of colony of New York, 326<sup>a</sup>  
 ——— Early history of Southampton, 460<sup>a</sup>  
 ——— & Tenney, Jonathan. Bicentennial history of Albany, 486<sup>a</sup>  
 ——— ——— County of Schenectady, 498<sup>i</sup>

The same method is followed in "body as author" headings, i. e. books published by a society, corporation or organized body of any kind; e. g.

Danbury (Ct.), 256<sup>a</sup>-57<sup>i</sup>

——— Town records of births, 256<sup>b</sup>

Danbury, First congregational church. Bicentennial celebration, 256<sup>b</sup>

The word "Danbury" is repeated in the last entry, because Danbury alone, which the dash would represent, is not the complete form for the author.

When for convenience or clearness explanatory matter is to be added, curves may be introduced; e. g. (for authors in a list of biographies)

Alcott, L.M. 43<sup>b</sup> (Bolton); 53<sup>b</sup> (Cheney)

——— Life, letters and journals, 53<sup>i</sup>

Where such an arbitrary scheme is employed, however, an explanation should preface the index, such as: "In biography entries, authors' names are given in curves."

Title entry is most common in indexes to periodicals and classed book lists. Neither differentiation of type nor use of quotes is necessary, owing to absence or infrequency of subject entries, or uniform practice of indenting titles under subject headings, as in *Annual Literary Index* and *Poole's Index to Periodical Literature*. When author's name is to be added, the following forms are in common use:

Conduct of life. (Emerson), 56<sup>b</sup>

Conduct of life. R.W.Emerson, 56<sup>b</sup>

Conduct of life. Emerson, 56<sup>b</sup>

Conduct of life. Emerson, R.W.....56<sup>b</sup>

Use of leaders in the last example is unnecessary and confusing to the eye, and is being very generally discarded; nor should the author's name be inverted except in certain catalogues and bibliographies where it is desirable to alphabet surnames under heading [see p. 477].



In general, with the exceptions indicated in the following rules, index under first word, entering title in the natural order, but omit all unnecessary words; e. g.

David Grieve *for* History of David Grieve

Lafayette *for* Life of Lafayette

*as* Life of George Washington studied anew

Geography and history of Shantung

*or* General outlines of the geography and history of the Province of Shantung; a sketch of its missions and notes of a journey to the tomb of Confucius

In indexing book lists, shorten lengthy titles of old books, by rewording if necessary, being careful to choose the important part of title and to express it correctly; e. g.

Opinion on establishing courts of justice in New York colony

*or* Mr Smith's opinion humbly offered to the general assembly of the colony of New York on the 7th of June 1734 at their request, occasioned by sundry petitions of the city of New York, Westchester county and Queens county praying an establishment of courts of justice within the said colony by act of the legislature.

In applying the above rules note that they refer strictly to title entry and to entry of title under author. Strict title entries may be superfluous even in title book lists when the subject side is emphasized by inverting title to enter under the subject word.

In indexing under title, i.e. title entry, transpose an article or introductory expression which has been retained for the sake of clearness; e. g.

New England boyhood, A

Lady or the tiger, The

Sixth sense, The

Spanish literature, History of

Electric lighting, Guide to

Paris, Studies of

Omit alternative titles unless more significant than the first title; e. g.

Italian child-life

*for* Italian child-life; or, Marietta's good times

Hans Brinker

*for* Hans Brinker; or, The silver skates

Index biographic titles under person treated of, a second entry under title being made only when it is striking enough to be looked for; e. g.

Nelson, Horatio, Lord

*for* Life of Horatio, Lord Nelson

Franklin, Benjamin, True story of

*and* True story of Benjamin Franklin

Garfield, James A.

*and* From the log cabin to the White House



## RULES FOR ALPHABETING

Carry out the alphabetic principle strictly, in arranging headings, not disregarding it after the 3d, 4th, 13th or 14th letter. "Put Constantinople before Constantinopolitanus on principle." This seems obvious, but the indexer is sometimes tempted to violate the rule in case of plurals for the sake of bringing related headings together; e. g. "Car" may be separated from "Cars" by "Caribbean sea," "Carrara," "Carriages," "Carriers," etc. Plurals ending in "ies" may be widely removed from their singulars ending in "y." In a large majority of cases all entries may be combined under a single form. If, however, this proves impracticable or too awkward, let each take its proper alphabetic place and connect them by cross references each way.

**1 General principles.** *a* "Nothing precedes something," or, to state the same idea inversely, "Something follows nothing." This obvious truism is often overlooked, though it is sufficient to settle many questions puzzling at first glance. Specific applications are stated as rules 7 and 9. Exception is made in rules 4 and 8, which relate to names and words variously printed. In applying it, consider the space between words as nothing and follow the principle thus:

Alphabet an entry by its first word, letter by letter as in a dictionary; if the word is the same in two or more entries, alphabet by the next word, and so on. Entries should first be arranged word by word and not alphabeted letter by letter throughout; e. g.

Art and culture

Art journal

Art thoughts

Artesian wells

Articles of religion

Arts of design

Arts of the Athenians

*not* Art and culture

Artesian wells

Articles of religion

Art journal

Arts of design

Arts of the Athenians

Art thoughts

*b* Entries are alphabeted by the headings, whether these are complete in one word or made up of several words, modifications under heading being disregarded; e. g.

Esopus, land patent, 99; powers of sheriff, 147; writs sent to, 148

Esopus Indians, 113

Note that the principle applies even when there is no punctuation to separate heading from modification; e. g.

Elm on Boston common

Elm beetle

Here "on Boston common" is a modification of the subject "Elm," but because there is only one modification and the entry is in the natural order, no punctuation is required.



**2 Identical first words.** Persons precede places and places precede titles when first word is identical; e. g.

Eliot, C.W  
Eliot, L.A.  
Eliot (Me.)  
Eliot historical society  
Eliot miscellany

**3 Identical forenames and surnames.** Put forenames of rulers, princes, popes, saints and ancients before same names as surnames; e. g.

George 3  
George, Henry

**4 Surnames with prefixes.** Treat proper names beginning with particles as single words; e. g.

Demetral, Louis	Demon, M.
De Meyer, Nicholas	Demorest, Alfred
De Mill, Peter	De Morest, John
De Milt, Obadiah	De Mott, Mathias
Demler, George	Demure, Christian

**Alphabet abbreviated prefixes M' and Mc, S., St, Ste, as if written in full, Mac, Sanctus, Saint, Sainte; e. g.**

Mabuse, Jan	St Pierre, J.H.B.de
McCormick, C.H.	Saint-Simon, comte de
MacDonald, George	St Vincent, earl
	Salt, Sir Titus

This rule does not apply to L' and O' since the prefixes of which they are contractions are not pronounced; e. g.

Lasher, John  
L' Asseur, Gabriel  
Latham, Beverley

**5 Surnames identical.** Put surname used alone before the same surname with only a title or with forename, and a surname with only a title before the same surname with initials or forename. Alphabet together initials and forenames, an initial always preceding a name beginning with the same letter; e. g.

Adams, ———	Adams, C.W.
Adams, Captain	Adams, J.L.
Adams, Major	Adams, James
Adams, A.J.	Adams, M.A.

**6 Whole names identical.** When names of different persons are identical, alphabet by distinguishing title, place of residence, occupation or dates, to be supplied if not given in text; e. g.

Clark, Capt. Samuel  
Clark, Rev. Samuel  
Hill, James, of Glasgow  
Hill, James, of London



**7 Compound names, personal and place.** Consider the compound parts, with or without a hyphen, as separate words, and alphabet accordingly; e. g.

Dubois, T.K.	New Amsterdam
Du Bois-Ayme	New Lots
Dubois county	New Windsor
Dubois de la Cour, <i>pseud.</i>	New York
Dubois-Fontanelle, J.G.	Newburgh
Dubois-Melly, Charles	Newcastle

**8 Compound words.** The indexer is generally at liberty to decide on a single form for entry of certain words which can not be separated in thought without alteration of sense, but which are in common usage variously printed as one word, as two words, or with hyphen; e. g. material found under "waterworks," "water-works," or "water works" may be massed under either form. The present tendency is to prefer the solidified word. Title entries, however, should preserve the exact forms given in the texts indexed, but be alphabeted uniformly as separate words; e. g.

Hand book almanac  
Handbook for hospitals  
Hand book for school trustees  
Hand-book for the piano-forte

**9 Umlaut.** Disregard umlauts unless words are otherwise alike, when the word without an umlaut precedes that with it; e. g. Muller before Müller.

**10 Joint authors.** Place joint author entries after all entries of single author; e. g.

Howell, G.R. Settlement of Southold  
——— & Tenney, Jonathan. Bicentennial History of Albany

**11 Titles under authors.** Arrange authors by preceding rules and under each author alphabet titles of his works.

**12 Elisions in titles.** Alphabet elisions as they are printed; e. g.

What men live by

What the wind did

What's mine's mine (i.e. alphabet as "Whats mines" not as "What is mine is")

**13 Possessives.** Disregard apostrophe in alphabeting possessives; e. g.

Boys' and girls' book  
Boy's King Arthur  
Boys of '76

For questions of alphabetic arrangement of modifications under heading see p. 490-92; for arrangement of subheads and references see p. 492-93



## EXAMPLES OF INDEXES

The student of indexing will find it profitable to examine well made indexes of various types. Those instanced below as representing good work as well as the examples chosen to illustrate various kinds of type, groupings, punctuation and devices in general use, are often inconsistent with each other and differ in details of treatment from the forms and principles recommended in the preceding pages, which are in accord with the rules and general practice of the New York State Library. The first group represents rather full indexes of good type:

Fiske, John. American Revolution. Houghton  
 Bryce, James. American Commonwealth. Macmillan  
 Earle, A.M. Child Life in Colonial Days. Macmillan  
 Geikie, Sir Archibald. Textbook of Geology. Macmillan  
 Lee, Sidney. Life of Shakespeare. Macmillan  
 Merriam, F.A. Birds of Village and Field. Houghton  
 Emerson's Works. See Natural History of Intellect, v. 12 of Riverside ed  
 Houghton

Holmes, O.W. Autocrat of the Breakfast Table. Houghton

Example of less close analysis, adequate for the type of book:

Nordhoff, Charles. Politics for Young Americans. Am. Bk Co.

Examples of humorous indexes:

Lowell, J.R. The Bigelow Papers. Houghton

Dodgson. Sylvie and Bruno. Macmillan

Example of the indexing of voluminous and diverse material, requiring complicated forms of reference:

Index to Publications of the New York Natural History Survey and New York State Museum, 1837-1902, compiled by Miss Mary Ellis. New York State Museum, Bulletin 66

For elaborate indexing of historical sources in which great variety of form is found:

Index to Calendar of Council Minutes, 1668-1783. New York State Library, Bulletin 58

A far more voluminous and complicated example is the two volume index to the 71 volumes of the *Jesuit Relations*, Burrows Bros. This work illustrates the application of an elaborate scheme of classification in an alphabetic index.

Among subject indexes to files of periodicals may be cited:

Index to Engineering News, 1890-99, compiled by M.E. Miller. Engineering News Co.

Analytical Index to the Educational Review, vol. 1-25, compiled by C.A. Nelson. Educational Review Pub. Co.

The last work differs from the ordinary subject index in giving analyses of subject-matter under titles of articles indexed.



## EXAMPLES OF TYPE AND STYLE

Examining the following styles of printing consider clearness, neatness, simplicity. A style which wastes space or employs varieties of type expensive in combination is justified only by definite gain in ready reference. The judicious use of black face or other peculiar types is helpful in many cases, but too freely employed they may produce a confused impression.

W. H. Shaw's *Bibliography of Domestic Economy*. N. Y. State Lib. Bibliography Bul. 22

The superior figures tell the exact place on the page in ninths, e. g. 41<sup>3</sup> means page 41, the third ninth of the page, i. e. about one third of the way down.

Cooperative housekeeping, 64 <sup>2</sup>	Crowfield, Christopher, <i>pseud.</i> , <i>see</i> Stowe
Cookery. Cuisine, 69 <sup>3</sup>	Cruger. How she did it, 41 <sup>3</sup>
Cottage comforts, 44 <sup>3</sup>	Cudlip. Modern housewife, 45 <sup>1</sup>
Cottage cookery, 69 <sup>3</sup>	La cuisine créole, 90 <sup>1</sup>
Domestic economy, 54 <sup>6</sup>	Cupples, Mrs George. Housework, 45 <sup>1</sup>
Housekeeper's guide, 69 <sup>3</sup>	Curious old cookery receipts, 99 <sup>2</sup>
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Cooking manual, 70 <sup>2</sup>	
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Reference Books. N. Y. State Lib. Bibliography Bul. 36

1st annual, 252 <sup>7</sup>	Roorbach. Bibliotheca Americana 250 <sup>5</sup>
250 <sup>5</sup>	Rose. Cyclopaedia of Canadian biography, 268 <sup>6</sup>
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From *Colonial Records, General Entries*, v. 1. N. Y. State Lib. History Bul. 2

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The note explaining the superior figures is of course given with all three of the indexes quoted above.

From John Bartlett's *Familiar Quotations*. Little

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From Harbottle & Dalbiac's *Dictionary of Quotations: French and Italian*. Sonnenschein

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 " The —'s health, 109.  
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Note that the simpler form of *Bartlett* is as clear as the second more elaborate style.



From *Flake's Dutch and Quaker Colonies in America* Houghton

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From E. B. Andrews's *History of the Last Quarter Century in the United States*. Scribner

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From N. S. Shaler's *Nature and Man in America*. Scribner :

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From *Index to Jesuit Relations* ed. by R. G. Thwaites. Burrows Bros.

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# New York State Library

MELVIL DWEY Director

Bulletin 95

State  
LIBRARY SCHOOL 20

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# New York State Library

MELVIL DEWEY Director

Bulletin 95

LIBRARY SCHOOL 20

## LECTURE OUTLINES AND PROBLEMS 2

### PREFACE

This bulletin, like *Lecture Outlines and Problems 1* (Library School bulletin 12) is made up of new editions of miscellaneous lecture outlines, problems and routines originally stenciled or printed separately for use of the State Library School. To provide for dissecting and filing by subject the material relating to each course begins on a separate leaf.

MELVIL DEWEY

*Albany, Mar. 1, 1905*







## 025.2 ACCESSION DEPARTMENT

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\*prefixed to topic or article indicates required reading.

Call number for *Library Journal* (L. J.) 020.5 L615; for *Public Libraries* (P. L.) 020.5 P96; for *Publishers' Weekly*, 015.73 P96.

## General

- 1893 \* Jones. Accession Department. American Library Association. Papers prepared for its Annual Meeting, 1893, p. 809-26. 020 Am31  
Note bibliography.
- 1895 Sharp. Library Recipes. Lib. Notes, 4: 205-23. 020.5 L611  
\*“Plating” and “Uncut edges” required.
- 1898 Macfarlane. Library Administration, p.44-77, Acquisition of Books. 020.2 M16

## Book buying

- 1889 Green & others. How We Choose and Buy New Books. L.J.14: 336-39
- 1897 \* Lemcke. The Librarian and the Importer. L.J.22:C12-16 or P.L.2:443-46, 487-89
- 1899 \* Orr. Book Buying and Trade Bibliographies. P.L.4:345-49
- 1903 \* Dana. Library Primer, ed.3, p.63-68, Buying Books. 020.2 D191  
\* Underhill. Book Ordering and Buying. P.L.8:142-44  
\* Andrews. Acquisition of Books. P.L.8:195-202

## Net prices

- 1901 \* Plan of the American Publishers' Association. Pub. Weekly, v.59,pt1,p.525-26  
Palmer. Relationship of Publishers, Booksellers and Librarians. L.J.26:C31-37  
Followed by discussion, p.C134-40.  
Book Costs and Net Prices. Pub. Weekly, v.60,pt2,p.946-47
- 1902 \* Dewey. Libraries and Net Prices. Pub. Weekly, v.61,pt1,p.57-58  
\* Net Prices for Books; Massachusetts Library Club committee. L.J.27:25-27



## Net Prices and Public Libraries.

Pub. Weekly, v.61, pt1, p.801-2

Report of Atlantic City meeting of Pennsylvania Library Club and New Jersey Library Association.

Scribner letter on p. 800.

## Net Price Question.

L.J.27:203

Massachusetts Library Club on Scribner letter.

\* American Library Association—Relations of libraries to the book trade, Committee on. Report.

L.J.27:C142-43

Followed by discussion, p.C143-47.

For resolution, see p.C171.

1903 ———[Report of Meeting, Jan. 20]

L.J.28:67

Includes action of American Publishers' Association refusing increased discount.

Daniels. Net Price System in Operation. P.L.8:54-55

Amended Plan of the American Publishers' Association.

Pub. Weekly, v.63, pt1, p.724

\* American Library Association—Relations of libraries to the book trade, Committee on. Report.

L.J. 28:C134-35 or L.J.28:176-77 or P.L.8:262-63

Report was followed by discussion, L.J.28:C135-50, in which Mr Zimmerman's paper, p.C136-40, was based on that in P. L. 8:220-23, and Mr Hopkins's remarks, p.C144-46, followed the line of his article in P.L.8:274-75. Miss Hazeltine's paper, p.C142-43, with a brief report of the whole discussion, is given in P.L.8:348-50.

Vote of A. L. A. council in L.J.28: C225.

1904 \* Book Prices and Costs: Net Prices and Libraries.

Pub. Weekly, v.65, pt1, p.637-40

Good summary of case.

Public Libraries and the Sale of Books. L.J.29:243-47

Opinions as to whether libraries help or hinder sales to individuals.

\* American Publishers' Association Amends its Plan [Ap. 1, 1904].

Pub. Weekly, v.65, pt2, p.895

See also Bulletins of the A. L. A. committee on book prices, 1903-4, published in *Library Journal* and *Public Libraries*.

## \* Collation

1876 Collation of Books.

L.J.1:133-34

Discussion.

1893 Collation.

L.J.18:C51

Discussion.



**Marks of ownership**

- 1886 Dewey. Embossing Stamp. Lib. Notes, 1:26-27. 020.5 L611  
 1903 Library Bureau. Library Catalog, p.174, Perforating  
 Stamp. 029.2 qL61

**\* Book plates**

- 1886 Dewey. Book Plates. Lib. Notes 1:23-25. 020.5 L611  
 1902 Kent. Library Book Plates. L.J.27:932-34  
 1903 Hackley. Book Plate for a Public Library. L.J.28:297-98

**\* Disposal of duplicates**

- 1880 Dewey & Bowker. Clearing-house for Duplicates.  
 L.J.5:216-17  
 1893 Jones. Disposal of Duplicates. American Library Asso-  
 ciation. Papers prepared for its Annual Meeting, 1893,  
 p.818-19. 020 Am31  
 Lane, Dewey & Hosmer. Private Sale of Duplicates.  
 L.J.18:C50-51  
 1898 Dewey. Duplicate Clearing House. P.L.3:255-56  
 1900 U. S.—Documents, Sup't of. Sixth Annual Report, p.5-6,  
 Exchanges with Libraries. 655.59

**\* Weeding a library**

- 1893 Green. Adaptation of Libraries to Constituencies.  
 L.J.18:219-20  
 Followed by discussion, p.C18-22.  
 1902 Eliot. Living Books and Dead. L.J.27:256-57  
 Foster. Pres. Eliot and Discrimination in Books.  
 L.J.27:258-60  
 Eliot. Division of a Library into Books in Use and Books  
 Not in Use. L.J.27:C51-56

**Copyright**

- 1895 \* Ranck. Need of Additional Copyright Depositories.  
 L.J.20:C43-45  
 1898 \* American Library Association—Public documents, Com-  
 mittee on. [Report on Mr Ranck's plan].  
 L.J.23:C118-19  
 1900 U. S.—Congress. Copyright Law of the United States, in  
 force July 1900. (U. S.—Copyrights, Office of the  
 register of. Bulletin 1) 655.673



- 1901 U. S.—Labor, Dep't of. Report on the Effect of the  
International Copyright Law in the United States; by  
C. D. Wright. 655.63 Q1  
\* Solberg. Book Copyright. L.J.26:C24-31
- 1902 \* Putnam. Copyright Procedure; some Misapprehensions.  
Critic, 40:57-62. 051 C86
- 1903 Copyright Improvement. Nation, 76:348-49. 071 qN21
- 1904 U. S.—Library of Congress. Report, p.136-55. 027.573 A

### Distribution of government publications

- 1894 U. S.—Documents, Sup't of. Special Report Relative to  
Public Documents, by J: G. Ames. 655.59 P4
- 1895 \* ——— First Annual Report, p.7-14, Distribution to Libra-  
ries. 655.59
- 1896 ——— First Draft of Proposed Bill to Simplify Methods of  
Publication of Public Documents furnished to Depos-  
itory Libraries. 655.59 P6
- 1898 \* ——— Fourth Annual Report, p.8-13, Designated Deposi-  
tories; Document Reform. 655.59
- 1901 \* ——— Seventh Annual Report, p.7-12. 655.59
- 1902 \* ——— Eighth Annual Report, p.6-9, Amendments to the  
Printing Laws. 655.59

See also *Ninth Annual Report*, p.4.

For list of designated depository libraries, see latest report of  
superintendent of documents.

### \* Accession book

- 1878 Winsor. Shelf-lists vs Accession Catalogues. L.J.3:247-48  
Poole. Shelf-lists vs Accession Catalogues. L.J.3:324-26  
Perkins & Dewey. Accession Catalogue again.  
L.J.3:336-38
- 1893 Accession Book. L.J.18:C51-52  
Discussion including description of the Harvard plan.
- 1898 Dewey. Simplified Library School Rules, p.47-52, Simpli-  
fied Accession Rules. 025 qD513  
See also sample sheet.
- 1899 ——— Library School Rules, ed.4, p.47-49, A. L. A.  
Standard Accession-book. 025 qD514  
For sample sheet of *Condensed Accession Book* see after p. 57.
- 1902 Minnesota—State Library Commission. Hand Book of  
Library Organization; comp. by the library commissions



- of Minnesota, Iowa and Wisconsin, p.37-38, Accession  
Record. 020.2 M66
- 1903 Underhill. Accessioning. P.L.8:147-48  
Weitenkampf. The Accession Book—Why? L.J.28:295-97  
Outline of discussion following this paper given in L.J.28:251.  
Bliss. Economy in Accession Records. L.J.28:711-13  
Hall. Classified and Condensed Accession Record.  
L.J.28:830-32
- 1904 Bliss. Accession Records again. L.J.29:19-20  
Dewey. Accession Book. P.L.9:281

\* Replacements

- 1896 Steiner & Ranck. Replacements. L.J.21:397-406







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- 5 Order slips verified and necessary facts added, including department to which charged if other than general library.
- 6 Order slips sorted for regular American and foreign agents and for miscellaneous orders.
- 7 Order number next in succession to last number on order sheets written or stamped on slips under "Order no."

Order sheets, with outstanding orders, for American agent, foreign agent and miscellaneous orders are kept in separate binders, consecutive blocks of numbers being assigned to each in advance; e. g. 1000-2000 Baker & Taylor, 3000-4000 Stechert, 5000-6000 Miscellaneous.

- 8 Order number, author, short title, series or edition, number of volumes (if more than 1), place, publisher, date and price typewritten on order sheet, with duplicate carbon copy.

1 One order number is assigned to a set, regardless of the number of volumes or copies.

2 Edition is given only when special edition is wanted; if not specified agent is expected to send latest.

3 Place is omitted for well known publishers; for little known publishers street address is included if at hand.

4 Fuller form of publisher's name is used on order sheet than is generally given on order slip, e. g. Appleton on order sheet, Ap on order slip.

5 Date may be omitted if book is known to be on current trade list, otherwise is given if known.

6 If more than 1 copy is wanted number is inserted before order number, e. g. 2 cop.

- 9 Order sheet submitted to director.
- 10 Order sheet sent to agent and copy filed by order number in binder.

At the close of each month statistics of orders sent are made out from order sheets.



- 11 Date of sending stamped under "Ordered" on order slips.
- 12 Agent's name stamped under "Of " on order slips.
- 13 Order slips alphabetized in order index.
- 14 Bill with duplicate received by order clerk. Duplicate stamped.
- 15 Boxes of books opened by janitor after bill is received.
- 16 Books arranged in order of bill by order clerk and any errors noted on margin of bill.
- 17 Order slips taken from order index by clerk.
- 18 Date of receipt stamped under "Received " on order slips.
- 19 Cost price written under "Cost " on order slips. Price verified.
- 20 Books compared with order slips and entered in accession book.
- 21 Date, source and cost in cents penciled in books on inner margin of first recto after title-page; e. g. 6Jao5 B&T 167.
- 22 Accession number stamped on books on lower margin of first recto after title-page, on order slips under "Accession no." and before first and last items on bill.
- 23 Private mark put in books. See *Library School Card Catalog Rules*, oc.
- 24 Filled orders checked on order sheet from order slips, which are then arranged by date of receipt and counted for statistics.
- 25 Order slips alphabetized in receipt index.
- 26 Order sheets on which all orders are filled taken from binder and filed in drawer.
- 27 Books sent to page for plating and perforating.
- 28a Footing of bill verified.
  - b Notice of all errors sent to agent.

On receipt of answer corrections are made on both copies of bill.
  - c Initials of order clerk put on stamped bill after "Received" to "Prices."
  - d Initials of department for which books were ordered after "Charge."
- 29 Stamped bill approved by director and sent with copy 1 to cashier, paid and copy 1 sent to comptroller with monthly vouchers.



**Abbreviations for publishers**

Some of the most common abbreviations for publishers' names for use on order slips and in accession book in New York State Library:

Am bk	American Book Co.	Lip	Lippincott
Ap	Appleton	Longm	Longmans
B & T	Baker & Taylor	Macm	Macmillan
Cent	Century	Put	Putnam
Harp	Harper & Bros.	Scrib	Scribner
Ho	Houghton	St	Stechert

For fuller list of abbreviations see *A. L. A. Catalog*, 1904, p. 13-21.







**025.2 ACCESSION DEPARTMENT****SUGGESTED ORDER ROUTINE FOR SMALL LIBRARY**

Basis: Library adding about 200 volumes a year and ordering once a month.

- 1 Order slips made out by reader or librarian.
- 2 Be sure that book is not now in library or not already ordered.
- 3 Verify order slips and fill out if necessary. Order slip should always bear author, title, publisher and price; also date if easily found.
- 4 Submit order slips to book committee for approval.
- 5 Alphabet order slips and copy on order sheet for agent, giving in every case items named in no. 3 and such other information as may be necessary or desirable.
- 6 Write or stamp date of sending under "Ordered" on order slips. If library has more than one agent, agent's name must go on slip.
- 7 Keep order slips together till package is received.
- 8 Compare books received with bill and note any errors.
- 9 Compare books with order slips, verify prices and enter books in accession book.
- 10 Write accession number on book on lower margin of first recto after title-page.
- 11 Verify footing of bill.
- 12 Notify agent if there are any errors, otherwise certify bill with initials.
- 13 File slips for books not received in order index. File or destroy slips for books received.
- 14 Plate, pocket and stamp books.







## 025.2 ACCESSION DEPARTMENT

STAMPING, PLATING, POCKETING AND LABELING,  
NEW YORK STATE LIBRARY

## 1 Stamping

- Position.** *a* Stamp each full title-page in every book on upper right corner.
- b* Stamp first page of text proper (i. e. matter after preface or introduction) in upper right corner. When possible avoid perforating text on verso as it makes it illegible.
- c* Stamp all plates and maps not included in the paging. Do not stamp illustrations included in the text.
- d* On plates, portraits, etc. stamp the margin and sometimes a little of the picture, but take great care not to disfigure the picture by stamping on an important part; e. g. the face of a portrait, or plates in scientific books.
- 1 When an embossing stamp is used and there are many plates, maps etc. in a volume, emboss at different distances from top of page to avoid thickening book at one point.
  - 2 If plates are so numerous that embossing will swell the book materially, or if plates are on too heavy paper for perforating or embossing stamp, use ink stamp (small type) on face of plate. Be careful to let ink dry before closing book or letting other leaves touch ink.
- e* Always be careful to have stamp parallel with printed lines and edge of leaf.

## 2 Plating

- a* **General.** (1) Unbound books are not plated or cut.  
(2) If there is no book plate in book look on first recto after title-page to see if book is gift. If so use gift book plate, if not use ordinary book plate.
- b* **Position.** Paste plate *squarely* in middle of inside of front cover. But if this space is occupied by another book plate, autograph, or matter of value, place the plate above or below. If there is not blank space enough for the plate, paste its edge on the inside edge of the cover so that it can be lifted to read what is covered.
- c* **Method.** (1) Cover back of plate thoroughly with paste, but take care not to get any on the face.  
(2) After plate is in place rub down carefully with a clean cloth, seeing that the edges of the plate are pasted firmly and smoothing out *wrinkles* or "blisters."



### 3 Pocketing

If Acme book pocket is used, paste it in middle of inside of back cover, with opening toward inner edge.

### 4 Labeling

- a Form.** (1) For pamphlet binders use  $5 \times 7\frac{1}{2}$  cm blue tinted labels.
- (2) For traveling libraries use  $\frac{1}{4}$  inch printed, gummed Van Everen numbers.
- (3) For special libraries of Home Education use Dennison's gummed labels, no. 123 (blue); for extension collection, no. 217 (red).
- (4) Other books are gilded.
- b Position.** (1) On backs of books: (a) octavo series, place upper edge of label or top of Van Everen number 5 cm from bottom of book; (b) quarto and folio series, place lower edge of label or bottom of Van Everen number 5 cm from top of book; (c) books shelved on their sides, place label lengthwise, the right end 5 cm from top of book.
- (2) When a book is too thin to take the label across the back, place it at same height on front cover near back.
- (3) Label all pamphlet binders ( $5 \times 7\frac{1}{2}$  cm labels) on front cover near back.
- (4) For binders: (a) octavo series, place lower edge of label 5 cm from bottom of book; (b) quarto and folio series, place upper edge of label 5 cm from top of book.
- (5) To secure uniformity of position use a notched pasteboard measure.
- c Method.** (1) Moisten *entire* surface of label but avoid *rubbing* on sponge as it removes the gum.
- (2) Press labels *firmly* on the binding, using a clean cloth to avoid soiling with fingers. Do not rub in pressing, unless a paper is laid over label so it will not be soiled or moved by the rubbing.

When necessary to remove grease or glaze, brush book with ammonia and apply label as above.



## 025.2 ACCESSION DEPARTMENT SERIALS, NEW YORK STATE LIBRARY

### 1 Definition

"A serial is a publication issued in successive parts, usually at regular intervals, and continued indefinitely."

### 2 Most used price lists of serials

For fuller list of bibliographies of serials see Bibliography bulletin 36  
*Selection of Cataloguers Reference Books*, 1903, p. 380-94.

- a* American: American Newspaper Directory. Rowell \$10  
Annual.
- b* English: Willing's Press Guide. Willing 1s  
Annual.
- c* German: Deutscher Journal-Katalog. Schulze 1.75 m  
Annual.
- d* French: Annuaire de la presse française et du monde politique.  
Flammarion 15fr

### 3 Agents

- a* Abram De Blaey, 52 State st. Albany
- b* Gustav E. Stechert, 9 E. 16th st. New York

### 4 Ordering

- a* Order through agent.  
See Lemcke, The Librarian and the Importer, *Library Journal*, Oct. 1897, 22:C13-14 or *Public Libraries*, Nov. 1897, 2:444-46.
- b* Order to expire at one date; i. e. end of calendar year.
- c* Order to begin volume or set.

### 5 Receipt

- a* Open mail.
- b* Alphabet serials, separating them from gift annuals and bien-nials and pamphlets not serial. Alphabet dailies separately.
- c* See that serials received regularly are addressed to department, not to individual, as in sample postcard following.



**New York State Library**

## Serials section

**should be addressed**

**Serials section  
State Library  
Albany N. Y.**

**Please make the change.**

MELVIL DEWEY Director  
by G. A. W.

Albany, 9 F 1905

## 6 Record

**Each morning record receipt of all serials and gifts.**

- a** Enter all serials, except annuals and biennials received by gift, on serials check list on sheets. See Serials check list routine, p. 555.
- b** Enter on cards all gifts, including gifts for education section and gift annuals and biennials. See Gift list routine, p. 569. Gift serials entered on serials check list are recorded in gift list once a year. See Gift list routine, no. 4.
- c** Also enter current gift annuals and biennials on annuals check list on cards. See Annuals check list routine, p. 565. List of education annuals and biennials is kept in education section.

## 7 Shelving

- a** File alphabetically all current serials except annuals and biennials. See note on serials sheet, of section to which serial belongs, also location sheet of current periodicals bulletined in room 55; e. g. medical serials, room 33; library economy, room 56; etc.
- b** Send annuals and biennials on serials check list, bound or to be bound separately, to accession clerk, with call number, for accessioning; send others to shelf department to file in their regular places on shelves till volume is ready for binding. For gift annuals and biennials see Annuals check list routine.



**8 Completion of sets**

- a* Consult secondhand dealers' catalogues.
- b* Send to Boston Book Co., 83-91 Francis st. Boston, to Gustav E. Stechert, 9 E. 16th st. New York, and to A. S. Clark, Peekskill N. Y. for odd numbers.
- c* Send request blank for gifts.

**9 Duplicates**

- a* Send to duplicate collection for sale or exchange.
- b* Sell unimportant material as waste paper.







**025.2 ACCESSION DEPARTMENT****SERIALS CHECK LIST ROUTINE, NEW YORK STATE  
LIBRARY****1 Scope**

Alphabetic serials check list on sheets includes all serials except annuals, biennials etc. received by gift.

In the following directions the word annuals is used to include biennials etc.

**2 Form**

Enter each serial on a separate sheet, dailies on L. B. day blanks, other serials on special serials sheet. See samples following.

If serial belongs to special section, abbreviation for section is written in red above "Year," e. g. "M" (medical library). Dailies are kept in a separate book.

The special serials sheets are modeled after those of the John Crerar Library, Chicago. Each sheet, containing 26 lines, is 25x20cm, the left margin being covered by a punched linen hinge 3cm wide, of which 1cm laps over on sheet. The sheets are fastened in Commonsense binders. The back of the sheet furnishes a convenient record of volumes of the set in the bindery.



Reduced from 25x20cm

**FRONT**

[illegible]



**Serials sheet: monthly**

**Reduced from 25x30cm**

**BACK**

[illegible]







Serials sheet: daily

Reduced from 85x20cm

		Pd De Blosy 8/12 1 Ja 95												New York tribune	
		Jan.	Feb.	Mar.	Ap.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.		
O	1	9 54													
	2	17579	17610												
	3	80	11												
	4	81													
	5	82													
	6	83													
	7	84													
	8	85													
	9	86													
	10	87													
	11	88													
	12	89													
	13	90													
	14	91													
	15	92													
	16	93													
	17	94													
	18	95													
	19	96													
	20	97													
	21	98													
	22	99													
	23	600													
	24	1													
	25	2													
O	26	3													
	27	4													
	28	5													
	29	6													
	30	7													
	31	8													
		9													

**3 Gifts**

- a** In case of gifts other than dailies, insert o (naught) under "Yearly subscription" and usually name and address of giver under "Ordered of," drawing line through "Ordered."
- b** If given by publisher write the name under "Publisher" and insert abbreviation "Pub." under "Ordered of."
- c** For dailies add name and, if necessary, address of giver, in upper right corner of sheet.

**4 Acknowledgments**

Send post card acknowledgment at end of fiscal year, verifying address if doubtful.

**5 Subscription serials**

- a** When bill is received, add "Pd," amount, date of bill and year covered, in lower left corner of sheet. See sample for



*Scribner's Magazine*. Verify list and discount prices before certifying bill.

- b* For weeklies add "Pd," amount, and date of bill in first column under year covered. See sample for *Harper's Weekly*.
- c* For dailies add same facts with name of person from whom ordered in upper right corner of sheet. See sample for *New York Tribune*.

#### 6 Earlier volumes

Keep record of earlier volumes ordered at time of current subscription; e. g. write v.1-4 above months on check sheet if ordered with v.5, the current volume. Record in same way odd volumes given at time a serial begins to come regularly. See sample for *Scribner's Magazine*.

#### 7 Two copies

If two copies of a serial are received regularly write in red on sheet above "Year," number of copies and abbreviation of collections etc. for which they are intended. In entering serial, check serial number to show that two copies have been received; e. g. √ 10.

#### 8 Volume numbers

Give volume number at beginning of entry except for annuals. See sample for *Harper's Weekly*.

#### 9 Dailies

If Sunday edition is not received leave blank space. If no serial number is given use x to indicate receipt; this rule applies to all serials.

#### 10 Annuals

Enter annuals in space of month in which they are received. Write exact date of receipt above date covered by annual, which shows when next volume may be expected.

#### 11 Misprints

Enter serial number as printed even though it is evidently a misprint, using superiors to show that same number has been used more than once.

#### 12 Checks on serials

- a* Stamp neatly "C" (meaning checked) and date of receipt on upper left corner of unbound serials; e. g. C14Jao2. This date is a convenient means of showing when next number may be



expected. If serial does not belong in general file of current periodicals send to section indicated on sheet in red above "Year."

- b* Send bound serials to accession clerk.

### 13 Missing numbers

- a* Send post card for missing numbers as soon as noted and systematically examine check list for delinquents at least once in six months. See sample cards following.
- b* Write to publisher, *not* agent, for American serials and for foreign serials received by gift; to agent, for foreign subscription serials.
- c* Keep date of request for missing numbers on back of sheet. See sample for *Scribner's Magazine*.
- d* When missing numbers come, note on back of sheet.
- e* Send notice three times before considering that serial is discontinued or is no longer given.

### Delinquent sequents: subscription

Reduced from 7½x12½ cm

New York State Library

Serials section

We have not yet received our regular *Jan. 1905* no. of *Everybody's magazine*

If published, please send it addressed **Serials section,**  
**State Library, Albany N. Y.**

MELVIL DEWEY Director

Albany, 20 F 1905

by G. A. W.



**Delinquent sequents: exchanges and gifts**

Reduced from 7½x12½ cm

**New York State Library****Serials section**

We have not yet received *Educator v. 15, no. 10*

which you send us as a ~~exchange~~  
gift

If published, please send it addressed **Serials section,**  
**State Library, Albany N. Y.**

**MELVIL DEWEY Director**

Albany, 20 F 1905

by G. A. W.

**Delinquent sequents: general**

Reduced from 7½x12½ cm

**New York State Library****Serials section**

*Students' magazine no. 10*

for *Mar. 1902* is the last received by us. Will you kindly  
send us all later issues at your earliest convenience. If no  
other is yet out, when may we expect the next number?

Please address **Serials section, State Library, Albany N. Y.**

**MELVIL DEWEY Director**

Albany, 15 F 1903

by G. A. W.



**Missing numbers**  
Reduced from 7½x12½ cm

**New York State Library**

**Serials section**

We find in preparing *the Detroit free press* for binding that the following numbers are missing:

*June 18, 19, 20, 27, 28, July 14, 15, 16, 17*

If you will kindly supply these numbers, the courtesy will be greatly appreciated.

Packages may be sent by express unpaid, or stamps will be sent to prepay postage on notice of the amount. Please address **Serials section, State Library, Albany N. Y.**

MELVIL DEWEY Director

Albany, 16 Ja 1902

by G. A. W.

#### 14 Duplicates

Put duplicates with original numbers in regular file box till volume is made up for binding, then send them to duplicate collection.

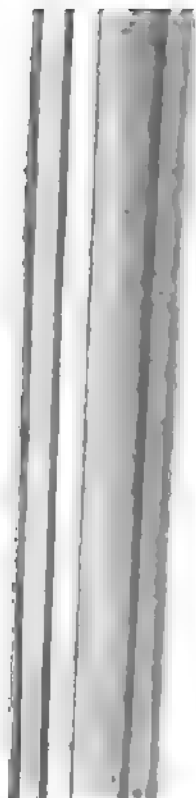
#### 15 Binding

- a* When title-page and index (if any) come make up volume for binding.
- b* Record volumes of set sent to bindery on back of serials sheet. See sample for *Scribner's Magazine*.  
This serves as substitute for charge at loan desk.

#### 16 Odd numbers

- a* Stamp odd numbers of serials not already on check list, with date of receipt and keep separate unless important enough to buy or request as gift at once.
- b* At end of month file alphabetically with miscellaneous serials previously received.
- c* Examine this file of miscellaneous serials at the same time, take out those serials which are apparently coming regularly and add to serials check list.
- d* Send to pamphlet collection serials to which no numbers have been added during past six months.







**025.2 ACCESSION DEPARTMENT**  
**ANNUALS CHECK LIST ROUTINE, NEW YORK STATE**  
**LIBRARY**

The word **annuals** is used to include **biennials** etc.

**1 Scope**

Alphabetic annuals check list on cards includes all annuals, biennials etc. received by gift, except those recorded in education section.

**2 Acknowledgments**

Acknowledge annuals by post card, carefully noting on check list card any change of address.

**3 Entries**

- a* Enter in gift list (see Gift list routine, p. 569) and in annuals check list.
- b* If two copies of an annual are received write on back of card abbreviation of collection for which copy 2 is intended. In entering annual, check year to show that two copies have been received; e.g. √1903. See sample below.

**4 Current annuals not on check list**

For current annuals for years 1890 to date, not already on check list, write card as in sample below giving:

- a* Author, according to *Library School Rules*, except that for personal authors with more than one forename generally the first is given with initials for the others.
- b* Address to be used in writing for later issues.  
For societies, secretary's name and address are written on *back* of card. These may be in pencil to allow for change of secretary.
- c* Short title.
- d* Volume number if given, leaving spaces for missing volumes. If uncertain of number of volumes issued before the first received, leave first column blank.
- e* Year covered by volume, *not* year issued.
- f* Stamp date of receipt, which shows when next volume may be expected.

Last line on card is left blank for notes.

Class and book numbers are added in upper left corner of card as soon as assigned.



Annuals card

Reduced from 7½x12½ cm

FRONT

\*over

020.6    *Nat ional association of state librarians*  
N31

*Proceedings*

Vol.	Year	Rec'd	Vol.	Year	Rec'd	Vol.	Year	Rec'd	Vol.	Year	Rec'd
•											
•											
•											
4	1901	19 N 01									
6	1903	6 S 03									
7	1904	8 F 05									
O											
N. Y. STATE LIBRARY ANNUALS											

BACK

O

Sec. John Dee, Madison Wis.  
1-3 not printed separately; letter 29 Ja 04  
cop. 2 L.S.

*Begged*  
*14 Mr 03*

5 Annuals before 1890

Treat annuals for which there is no card in annuals check list and which are dated before 1890 as ordinary pamphlets.



### 6 Checks for annuals on check list

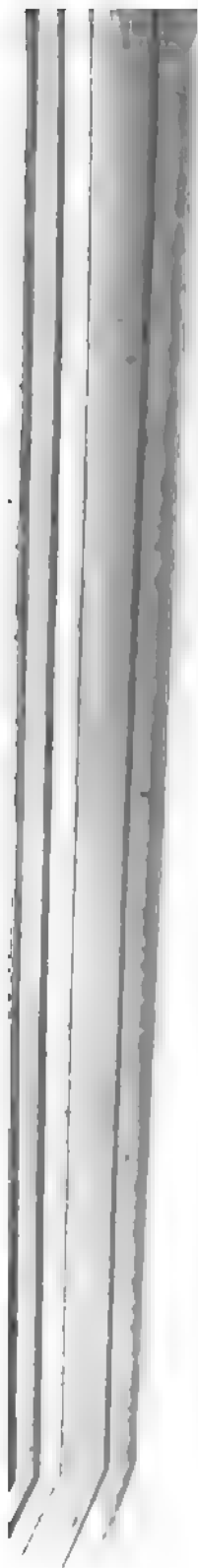
- a In volumes, bound or to be bound separately, pencil date, source and "g" (meaning gift) on inner margin of first recto after title-page, e.g. 3Jao5 Pub g; add "C" (checked) on upper left corner of title-page and send to accession clerk. For annual previously on check list, send slip containing call number to accession clerk with the book. For annual not previously on check list call number is added to check list card when entered in accession book.
- b In other annuals stamp date of receipt in upper right corner of cover, pencil "g" (preceded by source if other than the institution treated as author) on inner margin of first recto after title-page, and add "C" on upper left corner of cover. If previously on check list pencil call number after "C" and send to shelf department. If not previously on check list send annual with the new check list card to assistant classifier, who revises card, classifies annual, adds class number to card, returns card to annuals clerk and sends annual to catalogue department.

Pamphlet assistant writes temporary manila slip for name catalogue, following entry on check list, stamps slip "See annuals check list," stamps "Pam." below class number and makes name references if necessary. If other numbers for years 1890 to date are found in catalogue they are entered on check list card. For numbers before 1890, note is added to check list card "For previous numbers see card catalogue." For fuller directions for cataloguing pamphlets, with samples, see 025.3 Catalogue department. *Cataloguing unbound pamphlets.*

### 7 Missing numbers

Once a year send post card for annuals due but not received. See samples under Serials check list routine no. 13. When a missing number is written for, write date on which request is sent on back of card. See sample above.







## 025.2 ACCESSION DEPARTMENT


## GIFT LIST ROUTINE, NEW YORK STATE LIBRARY

- 1 This alphabetic card list records all gifts, including those entered in serials and annuals check lists. Gifts for education section are kept in separate alphabet. For triennial printed gift list covering years 1901-3, see *New York State Library Report*, 1903, p.60-174.
- 2 Gifts from same person, institution etc. are entered on one card. Name of giver is written at top of printed gift card, followed by address when necessary, and number of volumes, pamphlets and other gifts as in sample following. Date used is for fiscal year.

## Gift card

Reduced from 7½x12½ cm

## FRONT

Name <i>Appleton, D. &amp; Co.</i>															
Address <i>72 5 av. New York</i>															
Date	Vol.	Pam.	Oth.	Date	Vol.	Pam.	Oth.	Date	Vol.	Pam.	Oth.	Date	Vol.	Pam.	Oth.
1903 14 Jo		1													
17 My 1906 3 N	1		1												
11 F		1													
															
N. Y. STATE LIBRARY GIFT CARD															

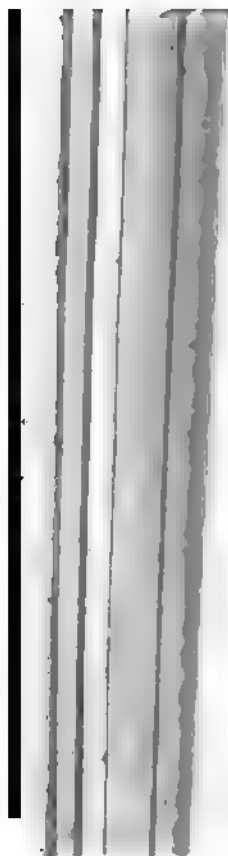






- 5 When periodical is given by publisher, name of periodical is written at top of card followed by publisher's address. See sample above.
- 6 All gifts except those entered on serials check list are acknowledged by printed post card or engraved card as soon as received. Change of address should be *carefully* noted on both gift and annuals cards.







## 025.2 ACCESSION DEPARTMENT

## GIFT REQUESTS AND ACKNOWLEDGMENTS, NEW YORK STATE LIBRARY

- 1 Write neatly. Use either script or disjoined hand for gift requests and post card acknowledgments; for engraved acknowledgments use script. *Never send out a slovenly gift request or acknowledgment.*
- 2 Acknowledge routine gifts from an institution, reports etc. to the institution, not to any official; e. g. address Public library, Boston Mass. *not* H. G. Wadlin, Librarian. But acknowledge to an official gifts obtained through his instrumentality.
- 3 Give address in proper form, being specially careful in foreign addresses. For names of foreign institutions follow forms used in Smithsonian Institution international exchange list. Give street address in large cities. In addresses containing numbered streets, write the number *in* the street and *of* the street in two distinct groups separated by 1cm space. If stragglingly written 121 5 st. may be read as 12 15 st.
- 4 Avoid obscure abbreviations; e. g. write West New Brighton N. Y. *not* S. I.; Ontario, Canada, *not* Ontario; S. Australia, *not* S. A.
- 5 Prefer short forms; e. g. write 375 5 av. New York, *not* 375 Fifth ave. New York N. Y. or New York city; Box 205, Pittsburgh Pa. *not* P. O. box 205, Pittsburgh, Penn.
- 6 Avoid writing name of place twice; e. g. write Naturwissenschaftlicher verein, Bremen Ger. *not* Naturwissenschaftlicher verein zu Bremen, Bremen Ger.
- 7 Give proper honorary titles; e. g. Pres. C. W. Eliot, Harvard university; Hon. Malcolm Fraser.
- 8 In writing book titles follow form given on title-page; e. g. catalogue or catalog.
- 9 For omission of initial article see under "Book titles" in *Editing Rules*, treating gift requests and acknowledgments as book lists.
- 10 In acknowledging gifts to both Library School and Library from same source, do not write two cards, but acknowledge both on Library card saying, e. g. "also 2 copies for Library School."
- 11 On engraved acknowledgment, after titles of bound volumes *and most important pamphlets* have been given, write e. g.



"18 other pamphlets and blanks." In case of foreign postage, write "5" conspicuously in upper right corner of envelop to guard against insufficient postage.

- 12 Omit punctuation at end of line in superscriptions; e.g.  
Phrenological journal  
27 E. 21 st.  
New York

- 13 For other punctuation, abbreviations and spelling see *Editing Rules*.

- 14 For arrangement of matter in gift acknowledgments and requests see samples following and the set in binder.

**Acknowledgment: general**

Reduced from 7½x12½ cm

**New York State Library**

**Accession department**

The library has received your annual { report  
catalogue for 1904-5  
proceedings

The gift is gratefully acknowledged and will be duly credited.

MELVIL DEWEY  
Director

Albany, 20 F, 1905

Recorded by E. E. C.

**Acknowledgment: foreign**

**New York State Library**

**Accession department**

The library gratefully acknowledges the receipt of  
*Jahresbericht 1905*

The gift has been officially registered and will be duly credited.

MELVIL DEWEY  
Director

Albany, 20 F 1905

Recorded by E. E. C.



**025.3 CATALOGUING****DIRECTIONS FOR CATALOGUERS, NEW YORK STATE LIBRARY****1 Supplies**

Use cards and slips and  $5 \times 7\frac{1}{2}$  cm manila slips belonging to Library.

**2 Canceled cards**

When a card is to be rewritten *cancel* it by a pen stroke across its face.

Keep all canceled cards and hand them in with time sheets on first of each month.

**3 What not to do**

- a* Do not waste time.
- b* Do not remove a card from the catalogue. See 12.
- c* Do not mark title-page of a book.
- d* If unbound book has accession number do not put "unb." on cards. Book is to be bound.
- e* Do not put superior red headings on cards for local histories, registers etc. These are added by shelflister.
- f* Do not put class numbers in either blue or red ink on face of cards, or write "2 cop." on face of cards. These are added by shelflister.
- g* Do not put cataloguer's signature on any cards except main author card, and on author analytic card when author of part analyzed has but one forename, to show that card is to be filed in name catalogue.

**4 Penciled numbers**

On *secondary* cards for subject catalogue, i. e. analytics or general subject reference cards, pencil cross reference number on lower left margin of face of card. This applies to secondary cards only. Shelflister copies penciled number in red ink on top line of card.

**5 Notes in books**

If two blank cards with stamped accession numbers are in book to be catalogued be careful to use them in writing the two main cards (except for works of criticism and anonymous biographies). Keep with great care any notes, colored slips or pieces of braid found in book, and leave them with cards when written.



## 6 Rush books

Red braid in book calls for haste. Catalogue promptly and give to reviser in person.

## 7 Bibliography slips

Yellow  $12\frac{1}{2} \times 7\frac{1}{2}$  cm slip in book, with class number for a short bibliography, calls for a slip to be made for a supplementary catalogue. This slip does not go into main catalogue. It is written by a special assistant after book is revised.

## 8 Printed cards

If printed cards are found in book, give them with book to head cataloguer. It has already been catalogued and the cards are adapted for Library by a special assistant.

## 9 Special collections

All books belonging to special collections have special marks on bookplates.

*a* Books marked C, D, H, M, R or V before class numbers on bookplates are catalogued according to general rules.

*b* Books marked W before class numbers on bookplates belong to collection written by women born or resident in New York State. The books have special bookplates and are kept together on the shelves. The cards are written separately from all other cards. Different cards for two copies or two editions of same work are thus found together in catalogue. Two editions, both W books, of same work go on same card, according to general rule.

As a separate collection marked E for use of examiners, has been similarly catalogued, three cards for different copies or editions, also three series cards for same series may sometimes be found together in catalogue; i. e. one for books belonging to general library, one for E books and one for W books. Be careful to add to right card.

*c* Books for blind, marked B, are catalogued by a special assistant.

## 10 Name list

*a* **Abbreviations.** List of abbreviations for most frequently used reference books, placed at beginning of name list, is printed on p. 579.

*b* **Supplement.** Lists of changed titles and of headings for works catalogued like the Koran are placed at end of name list.

*c* **Corrections.** If a name slip needs to be changed report to head cataloguer. Correction or amplification is written in red ink.



- d Library Journal full names.** Name slips without the blue star, indexing lists of full names in *Library Journal*, are filed in name list to be used when needed. When a book requiring one of these slips is catalogued the slip is removed from name list, and is verified, checked and signed by cataloguer. A star is added by reviser.
- e Memorandum.** With every book catalogued hand in either a name slip or a 5x7½ cm slip marked "St. in n. l." (starred in name list). In making latter slip be most careful not to confuse two authors of same name.
- f Consult best authorities.** Write name slip with utmost distinctness. In general consult not more than three authorities. Let these be without exception the best available authorities, not those nearest at hand. Remember this slip settles the form for all books by same author.
- g When made.** Name slips are made for every personal author, translator, subject of biography, etc. for all bodies used as authors, for anonymous books with author not found, for headings like the Koran, for family headings in genealogies, for series cards.
- h When not made.** Name slips are *not* made for periodicals or for red headings on blue cards in subject catalogue.
- i Slips for series.** Name slips for series cards have been only recently made. Many series cards for which no name slips have been made are in catalogue, and must be looked for there.
- j Differentiate families.** Family headings in genealogies must be kept distinct the same as personal authors. This requires investigation when two families have same name.
- k Arrangement.** Name slips for families are alphabeted after names of individuals with same surname.
- l o16 headings.** In cataloguing subject bibliography, always consult blue cards in subject catalogue to see headings already assigned. Same class number may or may not call for same heading; e. g. bibliographies of cycling and tennis have same number and different headings; but for two bibliographies of birds one heading should not be ornithology and the other birds; they should be alike.

## II Serials

A serial is a work to be continued indefinitely, as the report of a board of health.

- a Get all the books of the set.** In cataloguing a serial the first and *most imperative thing* is to collect all volumes of the set *belonging to the Library*.



- b Catalogues to consult.** There are four catalogues to consult; i. e. the new card catalogue, the old slip catalogue in boxes, the printed catalogue published in 1855 and the catalogue of recent pamphlets, now being incorporated in the name catalogue. Consult also serials and annuals check lists in room 55 and for publications of libraries the shelves and catalogue of bibliography and library economy pamphlets (010-020) in room 59.
- c Do not alter serials cards.** If set is already in new catalogue look no farther but report to head cataloguer. Serials cards are altered by a special assistant, never by a Library School student.
- d Memorandum.** Hand in slip with every serial, telling what catalogues were consulted to find more of set.
- e Date.** "C" in upper left corner of cover or title-page of serial shows that the work is checked when received, on serials or annuals check list in room 55. Such works are generally catalogued "to date."

## 12 Added editions and additions to series

If a new edition, without variation of title, is to be added to cards (not conflicting with rule for W books, 9 b) ask cards clerk to take out cards. Add new edition with two dashes and imprint. Ask also for series card, when a new volume is to be added.

## 13 Reviser's notes

If reviser returns a book for correction, read the whole of reviser's note and after making the corrections return it to reviser in person with book and cards.

## 14 Six points for each book

Points to observe in every book catalogued:

- a** See bookplate, find out what class number, subject reference numbers and letters used in special schemes, mean.
- b** Before writing cards, decide how many are to be made; when written, see that every secondary card is traced on one or both main cards.
- c** Make name slip or memorandum for every author.
- d** Write signature on card.
- e** Write signature in book (*middle* of inner margin of first recto after title-page; e. g. 2 Ja 05 Chr).
- f** Write accession numbers on main cards.

In sets where there are *numerous* numbers to be written write "See shelflist" on back of main cards and send a slip containing the numbers to reviser with the cards.



## 025.3 CATALOGUING

NAME LIST ABBREVIATIONS FOR CATALOGUERS  
REFERENCE BOOKS

Aa	Aa, van der. Biographisch woordenboek
Ad. A.	Adams. Dictionary of American Authors
Ad. E.	——— Brief Handbook of English Authors
Adv.	Advocates, Faculty of. Catalogue of the Library
Al.	Allibone. Critical Dictionary of English Literature and British and American Authors
Al. sup.	——— ——— Supplement
All. deut.	Allgemeine deutsche Biographie
Alum. Oxon.	Foster. Alumni Oxonienses
Am. cat.	American Catalogue
An. Am.	Annual American Catalogue
Ap.	Wilson & Fiske. Appletons' Cyclopaedia of American Biography
As.	Astor Library. Catalogue
B. A.	Boston Athenaeum. Catalogue
Bar.	Barbier. Dictionnaire des ouvrages anonymes
Bar. sup.	Brunet. Dictionnaire des ouvrages anonymes
Born.	Bornmüller. Biographisches Schriftsteller-Lexikon der Gegenwart
Br. mus.	British Museum—Library. Catalogue of Printed Books
Brock.	Brockhaus. Brockhaus' Konversations-Lexikon
Bru.	Brunet. Manuel du libraire et de l'amateur de livres
Cent.	Smith. Century Cyclopedia of Names
Champ. M.	Champlin & Apthorp. Cyclopedia of Music and Musicians
Champ. P.	——— & Perkins. Cyclopedia of Painters and Paintings
Cu. A.	Cushing. Anonyms
Cu. P.	——— Initials and Pseudonyms
Encyc. Brit.	Encyclopaedia Britannica
Eng. cat.	English Catalogue
Eng. an.	——— [annual]
Gra.	Grässe. Trésor de livres rares et précieux
La grande	La grande encyclopédie
Gub.	Gubernatis, de. Dictionnaire international des écrivains du jour
H. & L.	Halkett & Laing. Dictionary of the Anonymous and Pseudonymous Literature of Great Britain



- Hein. Heinsius. Allgemeines Bücher-Lexikon  
 Kay. Kayser. Vollständiges Bücher-Lexicon  
 Kürsch. Kürschner. Deutscher Litteratur Kalender  
 L. C. U. S.—Library of Congress. Printed Card Catalogue  
 L. J. Library Journal  
 Lar. Larousse. Grand dictionnaire universel du 19e siècle  
 Lip. Thomas. Universal Pronouncing Dictionary of Biography and Mythology  
 Binder's title *Lippincott's Pronouncing Biographical Dictionary*.  
 Lor. Lorenz. Catalogue général de la librairie française  
 Low. Lowndes. Bibliographer's Manual of English Literature  
 M. T. Men and Women of the Time  
 Mey. Meyer. Konversations-Lexikon  
 Mich. Biographie universelle  
 Quoted as *Michaud's Biographie*.  
 Min. Minerva  
 Nat. cyc. National Cyclopaedia of American Biography  
 Nouv. Lar. Nouveau Larousse illustré  
 Ot. B. Ottinger. Bibliographie biographique universelle  
 Ot. M. ——— Moniteur des dates  
 P. Peabody Institute of the City of Baltimore. Catalogue of the Library  
 P. 2d ——— Second Catalogue  
 Ph. Phillips. Great Index of Biographical Reference  
 Pog. Poggendorff. Biographisch-literarisches Handwörterbuch  
 Q. Quérard. Les supercheries littéraires dévoilées  
 Q. contemp. ——— & others. La littérature française contemporaine  
 Q. La F. ——— La France littéraire  
 Sab. Sabin. Dictionary of Books relating to America  
 Sch.-H. Schaff. Religious Encyclopaedia  
 Binder's title *Schaff-Herzog Encyclopaedia of Religious Knowledge*.  
 St. Stephen. Dictionary of National Biography  
 Surg.-Gen. U. S.—Surgeon-General's Office. Index-catalogue of the Library  
 V. Vapereau. Dictionnaire universel des contemporains  
 W. Watt. Bibliotheca Britannica  
 W. W. Who's Who  
 W. W. A. Who's Who in America



## 025.3 CATALOGUING

## CATALOGUING UNBOUND PAMPHLETS

- 1 Use 7½x12½ cm manila slips with printed heading, "Temporary slip. Entry not yet revised."
- 2 Use typewriter or disjoined hand.
- 3 Usually make author slip only. See also 6, 8, 14, 15.
- 4 Typewrite or write in black ink class number in usual place and typewrite or stamp "Pam." below space for book number.
- 5 In headings follow *Library School Rules*. Do not look up full names and dates except in name catalogue.
- 6 Make reference from one form of name to another, as in *Library School Rules*; for tracing underline on face of slip when name referred from is given, otherwise trace reference from back. Added entries are similarly traced. For exception see 14.
- 7 Use short title; see sample 1. Use dots for important omissions; see samples 5-8.
- 8 Make title slip for anonymous pamphlet, author found.
- 9 In imprint give:
  - main paging only (unless groups are nearly equal) or volumes if more than one
  - il. if pamphlet is illustrated in any way
  - size
  - place
  - date
- 10 Use brackets for matter supplied; see samples 3 and 6.
- 11 In case of reprint, address or thesis add note to catalogue slip; see sample 1.
- 12 a For annuals, biennials etc. entered on annuals check list (indicated by "C" in upper left corner of front cover of pamphlet) give in imprint only il. size and place of publication, and stamp below "See annuals check list", as in samples 4-5.
- b If unstamped temporary slip for part of set is found in name catalogue, get material from shelves, see that class number for old and new material is the same, stamp slip "See annuals check list" and see that all numbers for 1890 to date are entered on annuals check list.
 

If any numbers before 1890 are entered in catalogue but are not already on annuals check list, note is added to check list card "For previous numbers see card catalogue."
- 13 For continuations not on check lists, in place of stamp used in 12, write in columns exact statement of volumes in library, with



dates which they cover. Make additions in order of volume numbers. See samples 2-3 and 7.

- 14 a For governor's annual messages, mayor's addresses etc. on annuals check list, catalogue under official heading and stamp below imprint "See annuals check list," as in sample 5.

Make also slip with full imprint under personal name; see sample 6. Add briefly to personal slip other messages by same governor etc. Trace the personal entries from pamphlets themselves by dot below name under which entry is made.

- b For annual messages etc. not on annuals check list, in place of stamp give dates of messages; see sample 7. Also make slip under personal name as in 14a, following same method of tracing.

- 15 For special messages make slip with full imprint under personal name, see sample 8; also series slip under official heading, see sample 9.

- 16 Add cataloguer's signature to back of main author slip.

- 17 Draw short horizontal line neatly in ink below last letter or figure on cover to show that pamphlet is catalogued.

- 18 Lay slips in pamphlet and give to reviser to be filed in name catalogue, room 35.

### Sample slips

Reduced from  $7\frac{1}{2} \times 12\frac{1}{2}$  cm.

- 1 Simple author card with address and reprint notes. See Rules 3 and 11

Temporary slip. Entry not yet revised.

010.995	White, James C.	M.D.
	Clinical aspects of cutaneous tuberculosis.	
	3op. D. Bost. 1891.	

Pam.

Read at the meeting of the American dermatological association at Washington, Sep. 23, 1891.  
Reprinted fr. Boston medical & surgical journal, Nov. 12, 1891.





## 2 Continuation not on check lists: annual. See Rule 13

porary slip.	Entry	not yet revised.		
.6	Boston	Home for aged couples. Annual report. O. Bost.		
1.		v. 10 1893 v. 11 1894 v. 12 1895 v. 13 1896		
	v. 9	1892	v. 16 1899	

## 3 Continuation not on check lists: weekly. See Rule 13

porary slip .	Entry	not yet revised.		
3	[Nashville.]	Illustrated lesson paper, [weekly]. il.D.		
n.				
	1894	v. 14, no.		21-35
	1896	v. 16, no.	3-5, 15,	18-20



**4 Continuation on annuals check list. See Rule 12**

Temporary slip.	Entry not yet revised.
634	Peninsula horticultural society. Transactions of the annual session. Dover, Del.
Pam.	
	See annuals check list.

**5 Governor's annual message on annuals check list. See Rule 14a**

Temporary slip.	Entry not yet revised.
353-9749	New Jersey—Governor. Annual message . . . to the legislature. O. Trenton.
Pam.	See annuals check list.







8 Governor's special message not on annuals check list. See Rule 15

Temporary slip. Entry not yet revised.

385

Pam.

La Follette, Robert M.  
State regulation of railroad rates, special mes-  
sage of . . . governor of Wisconsin, Ap. 28, 1903.  
183 p. O. Madison 1903.



9 Series slip for governor's special message not on annuals check list.  
See Rule 15

Temporary slip. Entry not yet revised.

385

Pam.

637

Pam.

Wisconsin—Governor.  
Special message.  
La Follette, R.M. State regulation of railroad  
rates. 1903.  
Heard, W: D. Dairy interests of the state.  
1891.





## 025.3 CATALOGUING

## OUTLINE OF ELEMENTARY CATALOGUING COURSE

Corinne Bacon

## Dictionary cataloguing

## LIST

- Use of card catalogue
- 1 Author and subject cards
- 2 Title cards
  - "See" subject references
- 3 Editor cards
  - Name reference cards
- 4 Editors of collections
  - Added editions
- 5 Anonymous books, author not found
  - Contents
- 6 Anonymous books, author found
- 7 Joint authors
  - General secondary cards
- 8 Pseudonyms
  - Initials
- 9 Special pseudonyms
  - Changed titles
  - Partial titles
  - Review and quiz
- 10 General subject references
  - "See" analytics
- 11 "In" analytics
  - Author analytics
  - Title analytics
- 12 Series
- 13 Anonymous classics
  - Independents
- 14 Periodicals
- 15 Periodicals
- 16 Body as author
- 17 Biography
  - Bibliography
- 18 Criticism

## LIST

- 19 College societies
  - Fraternities
  - Addresses
  - Maps
  - 2d copy
  - Sovereigns
  - Anonymous biography
- 20 Trials, crown, criminal, ecclesiastical, civil and marine
  - Pleas
  - Decisions
  - Digests
  - Theses
  - Clippings
- 21 Review
- 22 Name list
  - Reference books for cataloguers
- 23 Independent cataloguing
- 24 Independent cataloguing
- 25 Cataloguing for popular libraries

## Classed cataloguing

- 26 Miscellaneous
- 27 Miscellaneous
- 28 Biography
- 29 Bibliography
  - Criticism
- 30 Genealogy
  - Local history
  - Registers
  - Special topics guides
  - Church history



## LIST

- 31 Bibles
  - Special authors
  - Foreign sovereigns
- 32 Independent cataloguing
- 33 Independent cataloguing
- 34 Independent cataloguing

## Subject headings

- 1 Science
- 2 Literature
  - Bibliography
- 3 Biography
  - Genealogy
- 4 Country subheads
- 5 Description and travel
- 6 Indians, Jews, gipsies, negroes etc.

## LIST

- 7 Language
  - Bible
- 8 Religion
- 9 Philosophy
- 10 Sociology
- 11 History
- 12 History: foreign relations, colonies, imperialism etc
- 13 Fine arts
  - Industrial arts
- 14 Miscellaneous
- 15 Government documents
- 16 Fiction
  - Shakspeare
  - Militia
- 17 Miscellaneous
- 18 Government documents



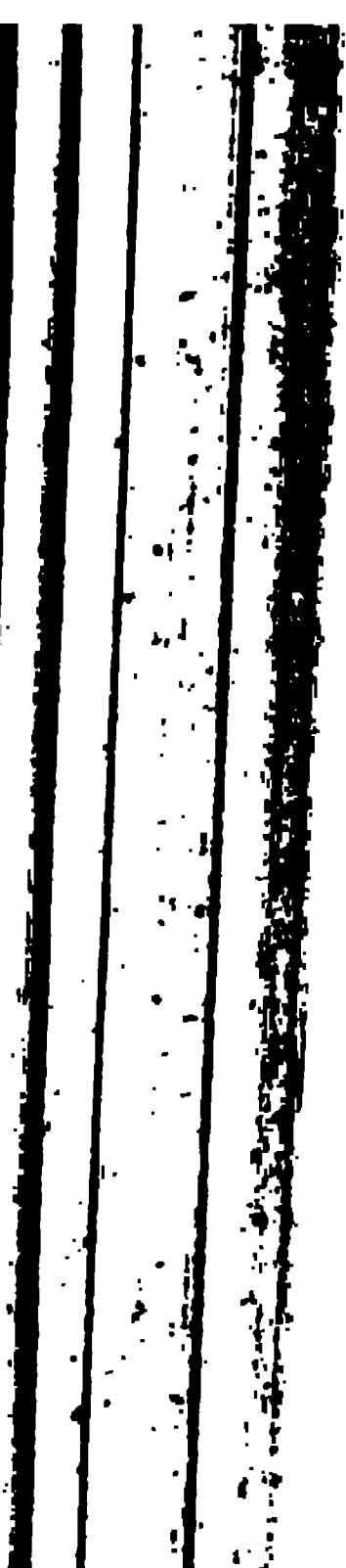
**025.3 CATALOGUING****ADVANCED CATALOGUING****Ada Alice Jones****Ten codes of cataloguing rules for comparative study**

- 1 American Library Association. A. L. A. Rules; Condensed Rules for an Author and Title Catalog
- 2 Bodleian Library. Compendious Cataloguing Rules for the Author-catalogue
- 3 British Museum—Library. Rules for the Compilation of the Catalogue of Printed Books
- 4 Cutter, Charles Ammi. Rules for a Dictionary Catalog
- 5 Dewey, Melvil. Library School Card Catalog Rules
- 6 Jewett, Charles Coffin. On the Construction of Catalogues of Libraries; with rules and examples
- 7 Library Association of the United Kingdom. Cataloguing Rules for an Author Catalogue
- 8 Linderfelt, Klas August. Eclectic Card Catalog Rules; Author and Title Entries
- 9 Perkins, Frederic Beecher. San Francisco Cataloguing for Public Libraries
- 10 Wheatley, Henry Benjamin. How to Catalogue a Library

**Twenty points to be noted in comparative study of cataloguing rules**

- |   |  |
|---|--|
| 1 Fulness of author's name,<br>including names of married<br>women, popes and sove-<br>reigns | 11 Maps                                      |
| 2 Author's dates  | 12 Series                                    |
| 3 Joint authors   | 13 Continuations to be added to<br>catalogue |
| 4 Noblemen  | 14 Anonymous books                           |
| 5 Pseudonyms  | 15 Fulness of title                          |
| 6 Official bureaus, boards etc.   | 16 Titles in two or more lan-<br>guages      |
| 7 Cities  | 17 Imprint, in full                          |
| 8 Societies   | 18 Contents and notes                        |
| 9 Catalogues  | 19 Analysis                                  |
| 10 Musical works  | 20 Added entries exclusive of<br>analysis    |







**025.4 CLASSIFICATION****PRACTICE WORK, NEW YORK STATE LIBRARY SCHOOL****Ada Bunnell****I General**

Write class number with cross references on 7½x5 cm slip, sign your initials or name and put in book. Give exact paging for analytics.

**2 Cross references**

- a* Do not make cross references for less than 10 pages except in case of bibliography which should be not less than 3 pages.
- b* Place book on 4 divisions of one subject with general class, a book on 3 divisions or less with one of these divisions with cross references to the others.

**3 Different editions**

If you suspect there may be another edition of a book in the library, look in catalogue for class number so all editions will be in same class. If you look in catalogue make note for use of cataloguer telling whether another copy or edition is there or not.

**4 Special schemes**

For colleges and single works of authors having special numbers (e. g. in literature) use special schemes to be found at head classifier's desk. For collected works of all authors having special numbers, and books about those authors, use D-N of "Book Numbers for Special Author Library", printed on p. 629. For authors for which the library wishes to keep all its material together (i. e. Shakspeare, Göthe and Dante) use also A-C. For table for American local government see "Lower Case Letters in Book Numbers" (p. 627), no. 5.

**5 Sermons, essays etc.**

- a* Class a single sermon or essay with its subject.
- b* Class a collection of sermons or essays on special subject with subject.

**6 Recent fiction**

For recent fiction, unless absolutely certain of nationality of author, consult slip catalogue on back of desk of sublibrarian (selection and annotation) and if necessary read reviews there noted.

Recent poetry, essays etc. should be similarly treated.



## 7 Description and travel

In classifying description and travel do not add period divisions to geographic divisions of a country.

## 8 Biography

- a* In classifying biography, if necessary, consult State Library catalogue and biographic dictionaries before assigning number.
- b* Do not carry biography of chief rulers to period divisions in history or of authors with special numbers to that number.
- c* Make no reference from the biography of a king to the history of his reign or the reverse.

## 9 Reference books useful in classification

### General

American Library Association. A. L. A. Catalog  
 Larousse. Grand dictionnaire universel du 19e siècle  
 Nouveau Larousse illustré  
 Whitney. Century Dictionary

### Science

Whitney. Century Dictionary

### Medicine

Billings & others. National Medical Dictionary; incl. English, French, German, Italian and Latin technical terms used in medicine and the collateral sciences  
 Foster & others. Illustrated Encyclopaedic Medical Dictionary; technical terms used by writers on medicine and the collateral sciences in Latin, English, French and German

### Gazetteers

Lippincott's Gazetteer of the World

### Biographic dictionaries

Allibone. Critical Dictionary of English Literature and British and American Authors  
 Biographie universelle  
 Quoted as *Michaud's Biographie*.  
 Thomas. Universal Pronouncing Dictionary of Biography and Mythology  
 Binder's title *Lippincott's Pronouncing Biographical Dictionary*.  
 Wilson & Fiske. Appletons' Cyclopaedia of American Biography

### Americana

Sabin. Dictionary of Books relating to America  
 Ends with Henry Smith.  
 Winsor. Narrative and Critical History of America



025.7 BINDING

BINDING ROUTINE, NEW YORK STATE LIBRARY

1 Books to be sent to bindery

- a See that volume is complete. Look up, beg or order missing numbers of serials and record on 5 x 7½ cm slips.
- b See that each periodical has title-page and index. List (on 5 x 7½ cm slips) of periodicals without indexes will show what periodicals do not print them. Send to foreign agent for title-pages and indexes to complete foreign periodicals which are bought; send to publishers for all others.
- c Arrange pieces to be bound together and tie firmly.
- d Keep binding slips stamped ahead with consecutive numbers:
  - (1) Slips for serials on check list 01—0999
  - (2) Slips for other books 1—999
- e Fill out binding slips according to printed binding rules (p. 599) for all books except resews and repairs. If a book belongs to a set, consult old pattern file of binding slips to see if other volumes have been bound. If it is a serial volume, consult current pattern file.
  - (1) If no volume has been bound, decide on binding, lettering etc. and underline "No pattern" at bottom of slip.
  - (2) If volumes have been bound, copy old slip, making necessary changes in date, volume number etc. If size has so changed as to require change in shelving (necessitating change in call number), omit call number or give changed call number.
- f Resews are sent to the bindery without slips. For repairs fill out time slips.

Time slip

Reduced from 7½x12½ cm

Clapper & Van Wely

190

Please

for

and charge to

work done by

Time hours



- g* Make out white charging slips for all books except
  - (1) Law, which are charged in room 39 before sending to room 55.
  - (2) Home Education, which are charged in room 51 before sending to room 55.
  - (3) Serials on check list, which are charged on check list by serials clerk.
- h* Give binding slips for serials on check list to serials clerk for charge.
- i* Put binding slips in books and send to bindery.
- j* Send charging slips to loan desk, where date is stamped.
- k* When binder calls for patterns, charge them on white charging slips, and send slips to be filed at loan desk.  
When through with patterns, binder returns them directly to loan desk for discharge; charging slips destroyed.

## 2 Books returned from bindery

- a* Books are returned from bindery arranged on truck in order of binding numbers on accompanying invoice. Compare books with invoice, noting whether directions on binding slip have been accurately followed and whether size, lines of lettering and total cost as given on invoice are correct. The invoices, when corrected and the corrections approved by binder, are held till binders monthly bill is sent. This is compared with invoices, stamped, approved and sent to cashier. Invoices filed.
- b* After removing binding slips from books, send Home Education books to room 51; others to be accessioned, or to have binding noted in accession book if already accessioned (e. g. bd 'mor 6Jao5) and date noted in book on first recto after title-page (e. g. 6Jao5 bd).
- c* Books which have no binding slips, i. e. resews and repairs, are counted and sent, law to room 39, Home Education to room 51, and others to loan desk, where their charging slips are destroyed.
- d* Give binding slips for serials on check list to serials clerk for discharge. Date of return is stamped on check list.
- e* Destroy binding slips for Home Education books, send slips for law books to room 39 and the rest to loan desk.
- f* (1) Loan clerk stamps date of return on charging slips and sends them to room 55.  
(2) For law books, charging slips in room 39 discharged and filed.  
(3) For Home Education, book cards in room 51 replaced.
- g* Binding slips returned from loan desk and with serials binding slips sorted in room 55.



- (1) Those for current serials put in current pattern file. Similar ones there found, if any, are destroyed unless differing in details other than date, volume number and call number, in which case they are put in old pattern file for use if old volumes need rebinding.
- (2) Those for volumes of sets or old serials put in old pattern file, similar ones there found, if any, being destroyed.
- (3) Others put in tracing file.

**h** Charging slips filed in room 55 by call number if any, otherwise by author.

**i** At end of fiscal year tracing file of binding slips and file of charging slips held for a year and then destroyed.







**025.7 BINDING****SUGGESTED BINDING ROUTINE FOR SMALL LIBRARY**

- 1 Examine books for binding, noticing condition, completeness, plates, title-pages, indexes etc.
- 2 Make out binding slips, giving number of volumes, color, style, size and exact lettering. Lay slips in books.
- 3 Make out charging slips for loan desk.
- 4 Send books to bindery.
- 5 When books are returned from bindery check itemized bill with price schedule.
- 6 Discharge books at loan desk by comparing binding slips with charging slips.
- 7 File alphabetically such slips returned from bindery as will be needed as patterns.







## 025.7 BINDING

RULES AND SPECIFICATIONS, NEW YORK STATE  
LIBRARY

## 1 Color

- a* Use the following colors in binding books in the various languages:

light brown	American	olive	Spanish
dark brown	English	light green	Latin
black	German	dark green	Greek
dark blue	other Teutonic	light blue	other Indo-European
red	French	yellow	Semitic
maroon	Italian	light drab	other languages

For books bound in half duck use light brown for American books, dark brown for all others.

- b* Bind dictionaries in language color of definition.
- c* Bind double dictionaries of English and other language in English color; e.g. bind German-English and English-German in dark brown.
- d* Bind American editions of English books in American color and English editions of American books in English color.
- e* Bind translations or annotated literary works in language color of translation or notes.

## 2 Style

- a* Bind books not much used in cloth, unless too heavy.
- b* Bind all others, except very heavy books and law books, in half Turkey morocco.
- c* Bind extra heavy books in half duck.
- d* Use American russia for law books in place of law sheep.

## 3 Lettering

- a* Letter author's surname in top panel, preceded by initials where there is danger of confusing with better known author of same surname.
- b* Letter title in second panel, including title of periodical.
- c* Letter editor, if needed, in third panel.
- d* Letter volume number in large arabic figures in fourth panel; e. g. 12 not Vol. 12. Do not letter copy number.
- e* Letter year, number of volume from beginning of set, number of series and volume of series in the following form:

1883	1880-84	not {	1880, 81, 82, 83, 84
298	5-9		5, 6, 7, 8, 9
SERIES 2	SERIES 2	not {	2 series
14	1-5		1, 2, 3, 4, 5



- f* Letter call number in bottom broad panel. In oversize books, put call number at top of first panel.
- g* Letter "N. Y. State Library" in narrow panel at bottom. For books in Home Education, Library School collection and Woman's library omit "N. Y. State Library."
- h* Letter two books bound together, with author of first book in top panel and its title in second panel; in third panel, letter author and title of second book.
- i* If volume is too thin to be lettered across the back, letter from top to bottom, placing call number at bottom of book unless oversize; see sample 2*c*.
- j* Letter all oversize books to be shelved on their sides (i. e. x, y and z books) from top to bottom, call number being at the top; see sample 2*d*.



Sample binding slips

12½x7½ cm

Binding slips are filled out according to foregoing directions by binding clerk. See Binding routine (p. 593) no. 1e.

I FRONT

Binding no. 817

Volumes 2

Total price

Follow exactly arrangement of lines, punctuation, lettering, as on back of this slip, and general printed directions on separate sheet.

Color

- |                      |               |                  |
|----------------------|---------------|------------------|
| 1 <u>Light brown</u> | 4 Red         | 8 Dark green     |
| 2 Dark brown         | 5 Maroon      | 91 Light blue    |
| 3 Black              | 6 Olive       | 92 Yellow        |
| 39 Dark blue         | 7 Light green | 93-99 Light drab |

Style

- |               |       |        |              |
|---------------|-------|--------|--------------|
| <u>½ mor.</u> | cloth | ½ duck | ½ Am. russia |
|---------------|-------|--------|--------------|

Size

Outside hight in centimeters must not exceed

- |    |     |    |           |    |    |    |    |    |    |
|----|-----|----|-----------|----|----|----|----|----|----|
| T  | S   | D  | O         | Q  | F  | F' | F' | F' | F' |
| 15 | 17½ | 20 | <u>25</u> | 30 | 35 | 40 | 45 | 50 | 60 |

No pattern

Rush Charge to  
Remarks



NEW YORK STATE LIBRARY

2 BACK

When a book is so proportioned as to be improved by an extra panel a blank panel is inserted below the fourth.

Single slip used for more than one volume of a work; shows also editors and volume numbers with contents.

Smith	
Dictionary of the Bible	
Hackett and Abbot	
I A to Gennesaret	2 Gennesaret to Market
220.3 Sm6	
N. Y. State Library	



Oversize book with call number in top panel. Shows treatment of official author heading with subhead (Prussia—Statistisches bureau), use of single slip for more than one volume, also volumes bound in parts.

314.31 qP95 Prussia Statistisches bureau		
Preussische statistik		
1898 151 <sup>Pt1</sup>	1902 176 <sup>Pt8</sup>	1903 177 <sup>Pt1</sup>
N. Y. State Library		



NEW YORK STATE LIBRARY

c Thin book to be lettered from top to bottom.

Allen
History
topics
907 A15
a N. Y. State Library

a Lettered across or lengthwise on book according to binder's judgment



Oversize book to be shelved on its side. Very thin books lettered in one line.

071 xB8
Buffalo
express
1905 Ja-Mr
N. Y. State Library

4 Serials

Bind all covers of pamphlets and magazines and all advertising leaves in regular order, except for periodicals having more than 20 pages of advertising matter to a number. In that case leave front covers in place, and bind all advertising matter and back covers together at the end; but if periodical volume is so thick as to be bound in two parts, bind the advertising matter and back covers in a separate volume, in cloth unless too heavy.



and letter "Advertisements" in third panel and, e.g. <sup>1898</sup><sub>14P2</sub> in fourth. Do not letter "Text" or "Ptr" on text volume. If text mingles with advertising matter or pages with it, arrangement must not be disturbed.

Put title-page and contents at beginning, and index at end, unless so printed as to make this impossible. (A table of contents arranges matter in order of occurrence in text; an index arranges it alphabetically.) Indexes must go at end even if paged with title-page.

If one number makes a volume leave title-page and contents inside the covers.

Where two separate paginations are in the same covers keep each pagination together, putting all front covers and advertising leaves with the first, and all back covers and advertising leaves with the second pagination.

If plates are numbered consecutively through a volume, put them together at end.

If plates are bound separately, bind covers and advertising leaves with text.

Bind all index volumes separately, if covering several volumes.

Bind separate reports by decades; e. g. 1870-79, 1880-89, unless too thick, when bind together the reports for five years; e. g. 1870-74, 1875-79, etc.

## 5 Sewing

After they are taken apart, collate all books carefully. Without special instructions, bind only perfect books.

Mend tears with transparent adhesive paper.

Use Hayes's Irish linen thread.

Do not sew backs deeply.

Sew on soft twine (or on tapes when so instructed).

Use four-ply for all books under 35 cm; for 35 cm and over, use five-ply.

Sew every volume larger than 20 cm on at least three bands; sew one larger than 25 cm on four bands, or on five when extra thick.

Overcast first and last signature.

Sew "all along" when possible without using too small thread. Regulate size of thread so as not to swell the back. Thread must encircle each band.

Mount thick or double plates on guards. Folding maps, etc. must be backed or jointed with muslin when so instructed.



### 6 Forwarding

Cut books as little as possible. Do not cut manuscripts, maps etc. Do not trim rebound books without special instructions. Without thinning or scraping lace each band into boards, first cutting a groove for band in each board to prevent its cutting off in "knocking down."

Use Davey's medium tar board.

Use marbled paper linings and sides on half work. Use granite paper on cloth.

On half work use vellum corners covered by paper sides.

On all leather and half duck work use only tight backs.

### 7 Finishing

Use only most usual form of roman capitals and arabic numerals. Never use roman numerals, German, old English or other fancy type.

Omit punctuation except when needed to avoid ambiguity.

Omit all tooling on backs except plain gilt cross lines.

Put plain gilt fillet at edge of morocco.

Burnish tops. Do not sprinkle edges.

Do not use false raised bands.

Use silk head bands in bright colors on leather work.

Letter on the back. Never letter on labels without special instructions.







## 025.8 SHELF DEPARTMENT

## READING LIST

\* prefixed to topic or article indicates required reading.

Call number for *Library Journal* (L.J.) 020.5 L615, *Public Libraries* (P.L.) 020.5 P96.

**\*General**

- 1895 Denver—Public Library. Public Library Hand-book, p.118-22, [Book Numbers and Shelflist]; p.150-55, Discarding Books; Taking Account of Stock, etc. 020.2 D43
- 1902 Plummer. Hints to Small Libraries, ed. 3, p.17-18, Book-numbers; p.27-29, Shelf-list and Inventory. 020.2 P732
- 1903 Dana. Library Primer, ed.3, p.73-75, Care of Books; p. 91-93, Author-numbers, or Book-marks; The Shelf-list; p.113, Checking the Library. 020.2 D191

**Call numbers**

- 1878 Schwartz. A Combined System for Arranging and Numbering. L. J. 3:6-10
- Cutter. Another Plan for Numbering Books. L. J. 3:248-51
- Schwartz. Mr Cutter's Numbering Plan. L. J. 3:302
- Dewey & Cutter. Numbering: Rejoinders to Mr Schwartz. L. J. 3:339-40
- 1879 Edmands & others. Plans for Numbering, with Especial Reference to Fiction. L. J. 4:38-47
- 1886 Cutter. Author-tables for Greek and Latin Authors. L. J. 11:280-89
- Dewey. Eclectic Book-numbers. L. J. 11:296-301
- 1887 Cutter. How to Use Cutter's Decimal Author Table. L. J. 12:251-52
- Directions for using first edition.
- 1892 \* Parker. Peabody Institute System of Press Marks. L. J. 17:233-34
- 1893 \* Olin. Order Table for Collective Biography. L. J. 18:144
- \* Seymour. Book Numbers. Lib. Notes, v.3, no.11, p.419-50. 020.5 L611
- 1896 \* James. Simplicity in Call Numbers. P. L. 1:189
- \* Langton. Systems of Shelf-notation. L. J. 21:441-43
- 1902 Daniels. Author and Title Marks in Fiction. P. L. 7:143-44



**Marking books**

- 1893 \* Seymour. Marking.  
                     Lib. Notes, v.3, no.11, p.426-28.   020.5 L611
- 1898 \* Canfield, A. C. Book Marking without Labels.   P. L. 3:377
- 1899 Lane, L. P. Typewritten Book Labels.           P. L. 4:443

**Shelflist**

See also under 025.2 Accession department. *Reading list.* *Accession book.*

- 1882 Schwartz. New Form of Shelf-list.           L. J. 7:251-53
- 1895 \* Austin. Combination Order and Shelf-list Slip.  
   L. J. 20:49-50
- 1899 \* Fellows. [Shelf Listing for Small Libraries]  
   L. J. 24:C 69 or P. L. 4:264
- \* Crawford. Shelf-list.                   P. L. 4:381-83
- 1904 \* Dewey. Card shelf-list.                   P. L. 9:281-82

**\*Contagion**

- 1903 Contagious Diseases and Library Books.       P. L. 8:427-28
- 1905 Contagion from Library Books.               P. L. 10:96



## 025.8 SHELF DEPARTMENT

## EXERCISE IN ASSIGNING BOOK NUMBERS

Corinne Bacon

1. *Decimal Classification* for meaning of class numbers. Pencil  
 numbers under class numbers. Assign numbers from Cutter tables  
 K . . E. Sanborn, using two figures of Cutter number and being  
 third figure in tables if another figure is needed to distinguish.

Fitchburg—Public Library. Catalogue

Drake, S. G. Witchcraft Delusion

Homo. Critical Study of the Holy Scriptures

Hubner. Tableau statistique

Lepsius. Standard Alphabet. 1867

Upham. Salem Witchcraft

Wright, A. Court Hand Restored

Amherst College. Triennial

Varro. De lingua Latina

Dent. Catalogue of his Library

Alger. Doctrine of a Future Life

Hazlitt. Reply to the Essay on Population

Brooklyn Mercantile Library. Catalogue

Smith, William. Dictionary of the Bible

Humboldt. Views of Nature. 1850

Smith, James. Voyage of St Paul

Victoria, queen of Great Britain. Leaves from the

Journal of our Life in the Highlands

Brooks. Abraham Lincoln



- 28.7475 N. Y. (State)—Legislature. Clerk's Manual, 1855  
date
- 18 Murray, J. A: H: Handbook of Travel-talk
- 20.1 Lieber. Civil Liberty
- 04 Herschel. Familiar Lectures. 1872
- 09 Buckley. Short History of Natural Science. 1876
- 22.33 White. Essay on the Authorship of King Henry th  
6th
- 22.33 Shakspeare. Poems
- 24 Watson. Life of Porson
- 45 Shaw. Specimens of Ancient Furniture. 1836
- 23.89 Borrow. Lavengro
- 23.17 Bancroft. Martin Van Buren
- 23.17 Lodge. George Washington
- 88.9 Arrianus. Ponti Euxini
- 23.89 Borrow. Romany Rye
- 29.82 Shute. Manual of Anglo-Saxon
- 35.8 Heather. Optic Instruments. 1879
- 30 Smith, Adam. Wealth of Nations. 1789
- 30 Smith, Adam. Wealth of Nations. 1814
- 30 Smith, Adam. Wealth of Nations. 1828
- 74.34 Gridley. History of Montpelier Vt.
- 13.49 Taylor, B. Story of Kennett
- 28.27 Thackeray. English Humourists
- 6 Rimmel. Book of Perfumes. 1865



- Ware. Zenobia
- 33 Tocqueville. Democracy in America
- Hickok. Empirical Psychology
- Weaver. Wells Wills
- Longfellow. Outre-mer
- P, W. Letter from a Gentleman at Elizabeth-town
- Knight. Old Printer. 1854
- Campbell, J: Negro Mania. 1851
- ) Southey. The Doctor
- Humphreys. Masterpieces of the Early Printers
- Bacon. Complete Works, without notes
- Andrews, S: J. Life of our Lord
- Roscoe. Spectrum Analysis. 1872
- Caxton. Game of the Chesse
- 44 Cambridge Mass. Charter. 1857
- ) Foster. Alumni Oxonienses
- Humphreys. History of the Art of Printing. 1867
- Woodbury, W. H. Eclectic German Reader
- Renan. Life of Jesus
- ) Moore. Ancient Mineralogy. 1859
- Helps. Conquerors of the New World
- Tommaso da Celano. Dies irae
- Anthon. System of Latin Prosody
- 2 Daniel. Life of John, King of England



- 23.142 Godwin. Annals of the Reign of Queen Mary
- 23.142 Aytoun. Life and Times of Richard I
- 23.142 More. Life of Richard III
- 17.24 Irving. Works, complete without notes
- 14.358 Brown, J: R. American Family in Germany. 1886
- 12 Ford. Benjamin Franklin Bibliography
- 14.4 Prévost. France
- 81 Denison. Treatise on Clocks. 1868
- 14.41 Trollope, T: A. Summer in Brittany
- 55 Hallock. Elements of Military Art
- 22.33 Halliwell. List of Shakespere's Works
- 14.41 Weld, C: R: Vacation in Brittany
- 22.33 Shakspere. Merchant of Venice; ed. by Hudson
- 61 Cammann. Charities of New York
- 96 Stanley, A. P. History of the Jewish Church
- 90.6 Royal Asiatic Society. Journal
- 53.97816 Kansas—Adjutant general. Biennial Report
- 71 Dawson. Fossil Men. 1880
- 14.436 Jarves. Parisian Sights
- 71 Chaffers. Hall Marks on Gold Plate. 1868
- 25.48 Alford. Greek Testament
- 20.9 Loomis. Recent Progress in Astronomy. 1853
- 22 Swinton. Rambles among Words
- 23.1431 Carlyle. History of Frederick II of Prussia
-



- Daumas. .Horses of the Sahara. 1863
- Harris, J: Idiomatic Phrases. 1673
- Daniel. Life of Stephen, King of England
- Fairholt. Tobacco, its History
- Riddington. Sailor's Horn-book. 1848
- Cundall. On Ornamental Art. 1848
- Beloe. Anecdotes of Literature
- Abbott. Life of William the Conqueror
- Hayward. Life of William II, King of England
- Dilworth. History of William III
- Wright. Life and Reign of William IV
- McVicar. Outlines of Political Economy
- Cogswell. Harbinger of the Millennium
- Fleming, C: Royal Dictionary
- Craik. History of English Literature
- Davison. Story of the Earth and Man. 1873
- Buddington. History of First Church, Charlestown
- Bädeker. Southern Germany
- Fierée. Du tabac
- Edwards. Our Domestic Fire-places. 1870
- Westwood. Chronicle of the "Compleat Angler "
- Trollope, F. M. Vienna and the Austrians
- Hazlitt. Select Poets of Great Britain
- Nordhoff.* Communistic Societies of the United States



616

NEW YORK STATE LIBRARY

270

Milman. History of Latin Christianity

821.17

Chaucer. Poetical Works, complete with notes

476.8

Chastillon. Gradus ad Parnassum

551.96

Dana. Corals and Coral Islands. 1872

697.1

Putnam. Open Fire-places. 1881

813.49

Crawford. Doctor Claudius

813.49

Crawford. Katharine Lauderdale

821.81

Tennyson. Idylls of the King

821.81

Littledale. Essays on Tennyson's Idylls of the King

821.81

Jones. Growth of the Idylls of the King

027.5741

Maine—State Library. Report

329.01

Clay. Ashland Text-book. 1844

329.01

Horton. Whig Banner. 1844

329.01

New England Democrat. F<sup>4</sup>. 1844-45

017.1

Xenia (O.) Library Association. Finding List. Q.  
1893

017.1

Xenia (O.) Library Association. Finding List. Q.  
1893

923.142

Martin. Life of Albert, Prince Consort. O

923.142

Visit of Prince of Wales to America, 1859

923.17

Lossing. Martha Washington

379.747

Cole & Hailes. Public Schools of Albany. Q

612

Dunlison. Human Physiology. 1832

612

Dunlison. Human Physiology. Ed. 4. 1841

612

Dunlison. Human Physiology. Ed. 7. 1850, "41



Chatham Courier. F<sup>o</sup>

Chatham Republican. F<sup>o</sup>

Chicago Evening Journal. F<sup>7</sup>

Chipiez & Perrot. Le temple de Jérusalem. F<sup>o</sup>

U. S.—Coast and Geodetic Survey. King Plats of the  
City of Washington. F<sup>11</sup>

Denver, City Library. Finding List

Denver, City Library. Finding List: supplement

Atlantic Monthly

Atlantic Monthly: index, v. 1-38

Atlantic Monthly: index, v. 1-62

N. Y. (State)—Library School. Examination Papers

Shakspeare. Hamlet

Lecky. History of European Morals

Everett. Life of Washington

Berjean. Varieties of Dogs. 1863

Maine. Village Communities

Zimmerman. Solitude

Webster, D. Private Correspondence

Milman. Life of Gibbon

Marsh. The Camel. 1856

Richardson, C: New Dictionary

Gilbert. Lucrezia Borgia

*L. Letter of Columbus to Luis de Santagel*



618 NEW YORK STATE LIBRARY

- 520.9 Lewis. Historical Survey of Astronomy. 1862
- 923.57 Leake. Memoirs of Gen. John Lamb
- 920.4 W, W. S. Joshua B. Lippincott, a Memorial Sketch
- 091 Emerson. Old Age
- 220.52 Holy Bible
- 427.9 Bartlett, J: R. Dictionary of Americanisms. 1872
- 523.13 Proctor. Other Worlds than Ours. 1870
- 336.747 N. Y. (State)—Comptroller. Tax Sale
- 336.747 N. Y. (State)—Comptroller. Annual Report
- 016.97 Stevens, H: Historical Nuggets
- 914.436 Jerrold. At Home in Paris
- 370.1 Richter, J: P. F. Levana
- 822.33 Shakspeare. Hamlet; with notes by Kellogg
- 485 Sophocles. Greek Grammar
- 027.04 Edwards. Libraries and Founders
- 393 Stone, E.. God's Acre
- 297 Koran
- 822.33 Shakspeare. Merchant of Venice; ed. by Rolfe
- 052 Westminster Review
- 297 Mills. History of Mohammedanism
- 051 North American Review
- 027.742 Macray. Annals of the Bodleian Library, Oxford
- 975.5 Waddell. History of Augusta County, Va.



- 207.747      Prentiss.   Fifty Years of the Union Theological Sem-  
inary
- 929.3        Bain & Rogers.   Diocesan Registers of Glasgow
- 506         Royal Society of London.   Philosophical Transac-  
tions.   1665—date
- 929.726      Foster.   Visitation of Yorkshire
- 285.17471    New York, Fifth Avenue Presbyterian Church.   Brief  
History
- 551         Lyell.   Principles of Geology.   1872
- 192.2        Locke.   Works, complete without notes
- 659         Larwood.   History of Signboards.   1866
- 598.6        Elliot.   Monograph of the tetraoninae.   F<sup>7</sup>.   1864-65
- 018.3        Kloss.   Catalogue of his Library
- 820.8        Knight, C:   Half-hours with the Best Authors
- 240         Taylor, J.   Whole Works, with notes
- 330         Bowen.   Principles of Political Economy
- 914.358      Head.   Bubbles
- 328.7479    Tanner, H. C.   "The Lobby."   1888
- 352.0747    Albany.   Manual of Common Council.   1872
- 091         Chatterton, Thomas.   Poems
- 647         Servants' Practical Guide.   1880
- 178.7        Mussey.   On the Influence of Tobacco
- 230         Shedd.   History of Christian Doctrine
- 535.84      Lockyer.   Spectroscope.   1871.
- 697.8        Ainslie.   Smoking Fires.   1869



- 75.4 Wallace. Contributions to the Theory of Natural  
Selection. 1870
- 20.942 Carter. Ancient Architecture of England. F'
- 12.747 Beers. Atlas of the Hudson River Valley. F'
- 12.747 Burr. Atlas of the State of New York. F'
- 12.747 Bien. Atlas of the State of New York. F'
- 42.429 Brougham. British Constitution
- 22.33 Clarke. Concordance to Shakespeare
- 89 Leake. Researches in Greece
- 71 Stevens. Flint Chips. 1870
- 14.49 Hughes, J. Itinerary of Provence
- 43.1 Horsmandon. New York Conspiracy
- 15.42 Ames, J. Typographical Antiquities. Q
- 14.369 Wilkinson, Sir J: G. Dalmatia
- 41 Woolsey. International Law
- 75.3 Wright, T: Early Christianity in Arabia
- 22.33 Hazlitt. Character of Shakespeare's Plays
- 14.391 Paget. Hungary
- 82 Ranke. History of the Popes
- 85 Smithers. Classical Student's Manual. 1832
- 57.47 Hall. Geology of New York. 1843
- 78.7 Heurieck. Du tabac
- 16 Dibdin. Library Companion
- 07.52 Japan Engineering College. Calendars



- 621.1 Reid. Steam Engine. 1851
- 320.2 Politics for Americans
- 420.4 Alford. Queen's English
- 929.2 Raymond. Gray Genealogy
- 974.46 Gilman. Story of Boston
- 052 Athenaeum
- 621.94 Taylor. Lathe and its Uses. 1869
- 052 Edinburgh Review
- 220.85 Tristram. Natural History of the Bible
- 136.3 Galton. Hereditary Genius
- 420.4 Gould, E: S. Good English
- 510.8 Heather. Treatises on Mathematical Instruments.  
1870
- 308 Adams, J: Works, complete without notes
- 052 Notes and Queries
- 628.14 King. Croton Aqueduct. 1843
- 138 Darwin. Expression of the Emotions
- 420.9 Marsh, G: P. Lectures on the English Language
- 974.71 Todd, C: B. Story of the City of New York
- 929.2 Dyer. Brief History of the Joy Family
- 929.2 Pierce. Pearce Genealogy
- 520.2 Drew. Manual of Astronomy. 1870
- 815.31 Everett. Orations and Speeches
- 628.8 Edwards. On the Ventilation of Buildings. 1868







025.8 SHELF DEPARTMENT  
BISCOE TIME NUMBERS

Reprinted from *Library Notes*, Oct. 1893, v.3, no.11, p.424-26.

A fuller explanation is given in *Library Journal*, Sep.-Oct. 1885, p.246-47.

I Plan

This scheme provides for arranging books by years from 1000 B.C.—2000 A.D. Each number consists of a single initial letter followed by figures and these again, if need be, by letters. Any year of the 19th and 20th centuries, in which the greater proportion of our books belong, is designated by a letter and single figure. For the three preceding centuries a letter and two figures are needed, only incunabula and ancient writings requiring a letter and three figures. Few characters are wasted for the period when few books were written, as A, B and C cover the years to A.D. 1499.

So D,E,F, which stand for centuries, two figures must be added, the number for a book published in 1652 being E52; in 1507, D07.

Thus, covering the first 10 centuries and C, covering five centuries, must be followed by three figures; thus a book issued in 1472 would be numbered C472.

Table

A	B.C.		N	1870-79	
B	A.D.1-999	} 3 figures	O	1880-89	
C	1000-1499		P	1890-99	
D	1500-99		Q	1900-9	
E	1600-99	} 2 figures	R	1910-19	
F	1700-99		S	1920-29	
G	1800-9		T	1930-39	} 1 figure
H	1810-19	} 1 figure	U	1940-49	
I	1820-29		V	1950-59	
J	1830-39		W	1960-69	
K	1840-49		X	1970-79	
L	1850-59		Y	1980-89	
M	1860-69		Z	1990-99	

2 Directions

American books take their numbers from the last copyright date; English and other foreign books, from date of publication; e.g. Dana's *Text Book of Geology*, Phil. 1864, copyright '63, has as its book number M3; edition 2 of the same book pub-



lished and copyrighted in 1874 is N<sub>4</sub>. Weller's *Portable Atlas of Physical Geography*, Lond. 1873, is N<sub>3</sub>.

series or set takes its number from the first volume, even though that may be lacking in the library set; e.g. *Popular Science Monthly*, v.10-20, is N<sub>2</sub>, the date of v.1 not of v.10. When more than one work in the same class calls for the same number, these numbers are *differentiated by adding lower case letters*; e.g. Bradbury & Emery's *Academic Algebra*, Wells's *Short Course in Higher Algebra* and Sensenig's *Numbers Universalized*, all published in 1889 call for O<sub>9</sub>. Supposing the books to come into the library in the above order, Bradbury would be O<sub>9</sub>; Wells, O<sub>9a</sub>; Sensenig, O<sub>9b</sub>. These letters are added arbitrarily in the order the books are received without regard to alphabetic arrangement. In a closely classed library additions to final subdivisions are seldom more than one a year. In the exceptional cases, use of a letter allows for 26 additions; the numbers therefore are neither long nor complicated.

In doubt, an approximate date may be used and corrected later when full information is acquired. Hunting down obscure dates consumes much time and in the average library is not worth what it costs. L alone would mean a book published somewhere in the '50s of the 19th century, and F<sub>9</sub> one of the last decade of the 18th (F<sub>09</sub> being the mark for 1709). This occasional uncertainty is analogous to the case of anonymous and pseudonymous books in an author arrangement.

tes B.C. may be treated in any one of the three ways suggested below. If numbers are given from date of writing or first publication there will be a few A books; but if from date of printing or copyright, none at all. Of the three ways of treating dates B.C. the best is:

- 1 Subtract the decade B.C. from 99 and use the resulting number, thus securing correct order with a shorter number than in 2. This approximate date is sufficiently close, since the exact year of writing is difficult to determine and the number of books in any subject in a single decade small.

The alternatives are:

- 2 Subtract the date B.C. from 1000 and use the resulting number, which will secure proper sequence.

- 3 Use the actual B.C. date, since among so few books no great confusion would result from thus inverting the regular order.



Resulting numbers would then be:

Date B. C.	Corresponding book number		
	COMPLEMENTARY DECADE (1) Correct order	YEAR (2)	ACTUAL DATE (3) Inverted order
999	A00	A001	A999
563	A43	A437	A563
73	A92	A927	A73
45	A95	A955	A45







**025.8 SHELF DEPARTMENT****LOWER CASE LETTERS IN BOOK NUMBERS, NEW YORK STATE LIBRARY**

Cutter numbers in New York State Library are assigned from first edition of Cutter tables and are thus given in the following examples; in practice work Library School students use Cutter tables revised by K. E. Sanborn.

**1 Time numbers**

Works in same class that call for same number are differentiated by adding to time number lower case letters, a, b, c etc. See p. 624.

**2 Special author numbers**

- a* In general when special number is a capital letter only, the figures 1, 2, 3 etc. are added for subsequent books; e.g. D, D<sub>1</sub>, D<sub>2</sub>. If number covers many works, the figure 1 may be added for second work as above, and for subsequent works 1 and initial of editor or translator; e.g. D, D<sub>1</sub>, D<sub>1s</sub>.
- b* When special number is a capital letter and figure, lower case letter of editor's or translator's name is used to distinguish two editions of same work; e.g. R6s, R6s<sub>1</sub>, R6s<sub>2</sub>, R6t. No attempt is made to keep together editions by same editor. Book number for an edition of *Macbeth* by Rolfe would be T5r, the next by Reynolds, T5r<sub>1</sub>, another by Rolfe, T5r<sub>2</sub> etc. If no editor appears, initial of publisher's name or x, y, z is used; e.g. R6x. When sure that there will be many editions of same work, lower case letter may be added to first book.

**3 Library School theses and bibliographies**

Bound theses and bibliographies of New York State Library School are differentiated by lower case initials of authors; e.g. thesis, 020.7 NO<sub>1s</sub>, NO<sub>1w</sub>; bibliography, 020.7 NO<sub>2s</sub>, NO<sub>2w</sub>.

**4 International congresses**

Cutter number for name of congress, differentiated by lower case initials of authors.

**5 American local government**

Lower case letters are used for official publications under American local government numbers, according to the following table originally printed in *Library Notes*, Oct. 1893, v.3; no.11, p.436.



Under 352.07 further subdivided to state, Cutter number is assigned for cities and towns to bring them into alphabetic arrangement. Beyond this are added as follows:

- a Charters; e.g. Charter of Worcester Mass. 352.0744 W89a
- b State laws relating to city
- d Municipal reform; investigations
- e Mayor's message; reports of town officers  
Official documents when published in sets are put here.
- i Aldermen
- k Common council; journal; municipal register; manual; opinions of council. Law department report
- n Supervisors
- o Ordinances; bylaws; code
- u History
- v [N.Y. City Record]
- y General

## 6 Fiction and poetry

In case of authors not brought out in the classification, second and subsequent books by same author are differentiated by adding to Cutter number lower case initial of title. When there are likely to be many books by same author, lower case letter for first book is added; e.g. Crawford, Sant' Ilario 813.49 C85s.

This method may be adopted in any class in which the number of books makes it necessary; e.g. 244, 814.39, 814.49, 817.39, 817.49, 818, 818.2, 818.39, 818.49, 824.79, 824.89.

## 7 Biography

When there are many lives of a person, as in case of Columbus and rulers, the number for biographee is followed by lower case initial of author; otherwise the first life has number only, e.g. *Memoirs of the Life of Henry Van Schaack* 923.57 V36.

## 8 Regimental histories

For regimental histories in the Civil War (973.744-.749) book numbers are assigned by scheme printed in the sixth edition of the *Decimal Classification*, a, b, c etc. being added to distinguish different histories or editions; e.g. histories of the 25th Massachusetts infantry, 973.7444 J25. 973.7444 J25a.

## 9 Figures

In other cases figures are added to distinguish in the same class number:

- a Different books by same author
- b Different editions
- c Books by different authors



**025.8 SHELF DEPARTMENT****BOOK NUMBERS FOR SPECIAL AUTHOR LIBRARY**

For all authors having special numbers in the classification D-N are used, and O-Z as far as special schemes have been worked out, A-C being used only for authors for whom the library wishes to keep all its material together, e. g. Shakspeare, Göthe, Dante.

- A Bibliography. Authorship controversies
  - B Biography
  - C Biographical collateral
  - D Higher criticism
  - E Minor criticism (textual)
  - F Sources; allusions; learning
  - G Miscellany; concordances; societies etc.
  - H Quotations, tales, and plays from, adaptations, condensations etc.
  - I Complete works without notes
  - J Complete works with notes
  - K Complete works in translations
- For living authors put works complete to date with the I, J and K.
- L Partial collections without notes
  - M Partial collections with notes
  - N Partial collections in translations
  - O-Z Individual works

**Shakspeare scheme**

A to N are assigned as above.

- |  |                                     |
|--|-------------------------------------|
| <b>O Comedies</b>                        | <b>S Tragedies</b>                  |
| O <sub>1</sub> All's Well that Ends Well | S <sub>1</sub> Antony and Cleopatra |
| O <sub>3</sub> As You Like It            | S <sub>3</sub> Coriolanus           |
| O <sub>5</sub> Comedy of Errors          | S <sub>5</sub> Cymbeline            |
| O <sub>7</sub> Love's Labor Lost         | S <sub>7</sub> Hamlet               |
| P <sub>1</sub> Measure for Measure       | T <sub>1</sub> Julius Caesar        |
| P <sub>3</sub> Merchant of Venice        | T <sub>3</sub> King Lear            |
| P <sub>5</sub> Merry Wives of Windsor    | T <sub>5</sub> Macbeth              |
| P <sub>7</sub> Midsummer Night's Dream   | T <sub>7</sub> Othello              |
| Q <sub>1</sub> Much Ado about Nothing    | U <sub>1</sub> Pericles             |
| Q <sub>3</sub> Taming of the Shrew       | U <sub>3</sub> Romeo and Juliet     |
| Q <sub>5</sub> Tempest                   | U <sub>5</sub> Timon of Athens      |
| Q <sub>7</sub> Twelfth Night             | U <sub>7</sub> Titus Andronicus     |
| R <sub>1</sub> Two Gentlemen of Verona   | V <sub>1</sub> Troilus and Cressida |
| R <sub>3</sub> Winter's Tale             | <b>W Histories</b>                  |



W <sub>1</sub> Henry 4	X <sub>5</sub> Richard 3
W <sub>3</sub> Henry 5	Y <sub>1</sub> <b>Poems</b>
W <sub>5</sub> Henry 6	Y <sub>3</sub> Venus and Adonis
W <sub>7</sub> Henry 8	Y <sub>5</sub> Lucrece
X <sub>1</sub> King John	Y <sub>7</sub> Sonnets
X <sub>3</sub> Richard 2	Z <b>Spurious works</b>



## 029.3 CLIPPINGS

## ARRANGEMENT OF CLIPPINGS, NEW YORK STATE LIBRARY

- 1 Classify like books and arrange in order of class numbers.
- 2 Consult clippings decisions at beginning of class number in L (vertical) file to see if special arrangement is required. In making first sheet under new number or in case of doubt consult person in charge.

Usually under class arrange:

- a Chronologically
- b Alphabetically by name of paper
- 3 Write class number in black ink in upper right corner of recto of a 25x20 cm punched manila sheet,  $\frac{1}{2}$  cm from each edge. If a subhead is needed letter it below the class number; e.g.

012  
Washington

020.7  
Pratt institute

024  
Boston—Public  
1871

- 4 Letter on sheet at head of article, name and date of paper from which clipping is taken.
  - a Letter neatly and not too large.
  - b Follow *Library School Rules* for capitalization.
  - c Use L.B. dates without punctuation; e.g. 12 Je 01 not 12 Je. '01. See *Library School Rules*, 1899, p. 39.
  - d Omit punctuation at end of lines except after abbreviations.
- 5 Before trimming a clipping see whether there is any matter on back which should be preserved. If so leave margin for a hinge. See Rule 6b.
- 6 a Usually paste only edges of clippings. (Use Day's white paste.) Mount on both sides of sheet. If clipping runs over a sheet tie sheets together and number. Mount illustrations valuable enough to keep, at end of article if they interfere with columns.
  - b If there is material to be preserved on both sides of clipping tip in and fold.
- 7 Leave  $2\frac{1}{2}$  cm margin on punched edge and, if possible,  $\frac{1}{2}$  cm on outer edge. Leave 2 cm margin at top and  $\frac{1}{2}$  cm at bottom of each page, also 2 cm between clippings.
- 8 Arrange sheets in L file by class numbers and subheads.
- 9 a When there are enough clippings on one topic put into a binder, dividing at end of a year.



- b Shelflist binder like pamphlet boxes, without accessioning, penciling "cl." (clippings) on shelflist in accession number column.**
- c Prepare fresh sheet and letter "Vol.2" at top of page in middle. When enough sheets have accumulated in L file to fill another binder, treat as vol.2.**

Use red backed binders 3 cm thick, fastening sheets with McGill patent fasteners, flat heads, no. 4. (Black backed binders are used for pamphlets.) Binders cost about \$7.50 a 100; fasteners with 1 inch shank, \$2.50 a 1000.

- Label clippings binders like pamphlets binders with 5x7½ cm blue tinted labels. Paste label on front cover near back, placing lower edge of label 5 cm from bottom of binder.
- Stamp "Clippings" on label below subject or title; e.g.

Boston public library  
Clippings

027.4744  
B65

- 2 Mount blanks and forms by subject on separate sheets, following same general rules. In L file arrange sheets containing blanks before those containing clippings.



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Mostly original bibliographies presented by Library School students as a condition of graduation.

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Bb 26-27 Froebel and the Kindergarten, Reading List for Children's Librarians. 92p. May 1901. 15c. Bb27 separately, 5c.

Bb 28 Maine Local History. 148p. June 1901. 20c.

Bb 29 Best Books of 1900. 32p. July 1901. 10c.

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Bb 37 Best Books of 1903. 40p. July 1904. 10c.

Bb 38 Ethics. 30p. Ap. 1905. 10c.

Manuscript bibliographies. The following bibliographies are available in manuscript for consultation in the library or may be lent under certain conditions.

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New York State Education Department

Subject 1002  
016

August 1905

# New York State Library

Melvin Dewey Director

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MELVIL DEWEY Director

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A SELECTION FROM THE  
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PREFATORY NOTE

*To the Librarian*

This is an annotated list of 250 books published in the United States in 1904, selected by the book board of the New York State Library and recommended to the public libraries of the State. To aid in choosing small collections of new books three classes are marked: books marked *a*, of which there are 20, are suggested to libraries which must confine their additions within narrow limits; 30 others marked *b* are also proposed to libraries that can buy 50 books; and 50 more marked *c* may be added to *a* and *b* to make up 100 books.

The remaining 150, including some reference books and a few more costly publications, are worthy careful consideration by libraries that can buy more than 100 books and by those wishing to enlarge resources in special subjects. Many of the unmarked works are of the highest merit. It is thought best to inform the smaller libraries about some books which would be of high practical value to them, though probably too expensive to be bought from the ordinary fund. Special circumstances may sometimes justify buying such a book at the sacrifice of several cheaper ones. Occasionally, too, some generous friend or local club expresses a wish to make the town library a substantial gift. If the librarian receives practical and definite suggestions it is an advantage to the community and the satisfaction of the benefactor is materially increased. The *Classification* numbers as used in the State Library are printed as a guide to libraries using this system. For convenience of libraries wishing to use them, Library of Congress numbers and serial numbers are given in note type at the foot of each page.



are aggravations until complete, and can always be cheaply than they are at first offered a few months after. Read Eugene Field's story of the "Cyclopedy," and the same rule holds as to all subscription books. Shun books in parts. They cost more than they are worth. They turn up in secondhand stores a few months after completion at low prices. Deluded purchasers find them and sell them. *Finest Orations, Noblest Essays, Flams, Huge Anthologies*, and the like all come to the man. Get them of him, if you must. In a small library generally almost useless. In subscription books, cases not uncommon. Maspero wrote several large and learned in French on Egypt and Chaldea. They were translated in three or four volumes in England, costing the country about \$5 each. An American publisher reprinted small volumes with a few additional colored cuts, on 1 and in larger type and offers them through agents: libraries buy them!

Do not buy "sets" or complete editions of authors' volumes you need and as you need them. A complete includes several volumes you do not need.

Specify the edition you wish of standard books whenever unless you find a bookseller able and willing to select for you.

While this list has been prepared with special reference to public libraries, and some of these books are not recommended for school use, it will also be of much service to schools. A list is available. Any book under the heading "Tupper



## REFERENCE BOOKS

**a A. L. A. Catalog, 8000 Volumes for a Popular Library.**

2 pt. pt1, Classed; pt2, Dictionary.

Gov't Print. Off., free to libraries; others 50c

6-7 Based on *Catalogue of A. L. A. Library 1893*, but greatly revised and enlarged, with descriptive notes on large proportion of titles. Follows *Decimal Classification*, *Expansive Classification* numbers being added in dictionary list.

**Strong, Josiah, ed.** Social Progress. Baker & T. \$1 n

Yearbook of information and statistics on economic, social, industrial and religious conditions, including annual survey by competent authorities of social progress of leading nations. Volume for 1905 fuller and more comprehensive.

Dial, 38:326; Arena, 31:663

**c Hopkins, A. A. & Bond, A. R. comp.** Scientific American Reference Book. Munn \$1.50

8 Compact handbook of descriptive and statistical material relating to trade, industries, patents, education, international institutions, transportation, armies, navies, government, population, mathematics, mechanics, chemistry, etc. Tables and graphic representations.

**Grove, Sir George.** Dictionary of Music and Musicians; ed. by J. A. F. Maitland. New ed. enl. 5v. v. 1.

Macmillan \$5 n

6 A-E. Invaluable to amateur and professional. Follows general plan of original ed. (1879) bringing to date (1904) both in names included and authorities cited. Many articles entirely rewritten, but material still valuable carefully preserved. Added illustrations and 20 mediocre portraits.

Ath. 1904, 2:914; Dial, 38:310 (Upton); Nation, 79:463; Spec. 93:740

**b Granger, Edith, comp.** Index to Poetry and Recitations. McClurg \$5 n

7 Valuable timesaver. Indexes 369 collections of poetry, recitations, orations, dialogues etc., in three alphabets, by title, author and first line. Appendix groups selections for Arbor day, Christmas, Lincoln's birthday, material on noted people, dialogues, pantomimes, parodies etc.

## ETHICS

**Wagner, Charles.** By the Fireside. McClure \$1 n

Plea for family spirit and a realization of the highest possibilities in the family relation.

Bookman, 19:275

## RELIGION

See also Juvenile, p. 533

1 **Peters, J: P.** Early Hebrew Story. (Crown Theological Lib.) Putnam \$1.25 n

6 Bond lectures at Bangor Theological Seminary.

General readers unable to concentrate their attention on minute archeological studies, will find here virtually all they need. The tone is free, reverent and wholesome. *Athenaeum* 1904, 2:692

Nation, 79:416; Spec. 93:228



- 232 **b McConnell, S: D.** Christ. Macmillan \$1.25 n
- 4-6096 An effort to reestimate the person and work of Jesus. Will arouse the interest and respect of every man who values transparent sincerity and unhesitating candor. If the reader will restrain his natural desire to take up the gage frequently flung at him, he will find the book full of moral stimulus. *Outlook* 76, 1:895  
Arena, 32:327; Independent, 57:1091
- 266 **Speer, R. E.** Missions and Modern History. 2v. Revell \$4 n
- 4-32680 Historical study of influence of Christianity, direct and indirect, on development of thought and political events in India, China, Japan, Armenia, the Philippines, Latin America.  
Nation, 79:478
- 268 **c Peloubet, F. N.** Front Line of the Sunday-school Movement. Wilde \$1
- 5-2410 Practical, giving more specific advice as to plan and methods of work than Burton & Mathews' discussion of *Principles and Ideals for the Sunday School* or Mead's comprehensive exhibit of *Modern Methods in Sunday School Work*. Courses of study are laid out in two books published by Univ. of Chicago Press 1904, *Outline of a Bible School Curriculum*, by G. W. Pease, and, for younger classes only, *Introduction to the Bible for Teachers of Children*, by G. L. Chamberlain (220).
- 3-13941
- 3-27915
- 4-34926
- 4-13636

## SOCIOLOGY

See also Reference books, p. 505

- 301 **c Shaler, N. S.** The Neighbor; the Natural History of Human Contacts. Houghton \$1.40 n
- 4-9148 Points out causes of race antipathy specially in cases of Jew and negro, and endeavors to show how it may be overcome.  
Annals of Amer. Acad. 25:135; Nation, 78:416; Outlook, 77:381
- 325.26 **Page, T: N.** The Negro; the Southerner's Problem. Scribner \$1.25 n
- 4-31017 Essays, discussing from Southern viewpoint slavery and its results, lynching, disfranchisement, the race question, etc. See also Murphy's *Problems of the Present South*, p. 522  
Dial, 38:315 (W. E. B. DuBois)
- 325.73 **a Brandenburg, Broughton.** Imported Americans. Stokes \$1.60
- 4-28237 Sociologic study. Author and wife lived among Italians of New York East side, went to Italy in steerage, lived in Sicilian peasant family and returned as emigrants. Illustrations from photographs.  
The most interesting and important study yet made (1904) of present day immigration into the United States. *Annals of Amer. Acad. of Political and Social Science*, 25:125  
Lit. W. 35:375
- 331.8 **Roberts, Peter.** Anthracite Coal Communities. Macmillan \$3.50 n
- 4-3603 Study of social and moral conditions among 26 nationalities employed in Pennsylvania mining towns. Maps and photographic illustrations.



- 192 A work of the same judicious, thoroughgoing quality that we find in Booth's *Life and Labour of the People in London*. F. H. Giddings, *Polit. Sci. Q.* 19:519  
Annals of Amer. Acad. 25:152; Dial, 37:240 (Henderson); Jour. of Polit. Econ. 12:567 (Virtue); Nation, 78:474
- .86 Kellor, F. A. Out of Work: a Study of Employment Agencies. Putnam \$1.25 n
- 737 Contribution to problem of domestic service. Reports investigations in New York, Boston, Philadelphia and Chicago and reveals many abuses. Author and eight assistants visited offices both as employers and employees. Suggests remedies.  
Amer. Jour. of Soc. 10:558 (Henderson); Critic, 46:279; Dial, 38:156
- .1 c Fiske, A. K. The Modern Bank. (Appleton's Bus. Ser.) Appleton \$1.50 n
- 01 Brief description of development and modern systems of banking, with chapters on trust companies, savings banks, foreign exchange, safe deposit companies, etc.  
Nation, 78:318
- .8 Montague, G. H. Trusts of To-day. McClure \$1.20 n
- 43 Impartial statement of the economics and evils of trusts, history of antitrust legislation and consideration of possible statutory remedies. *Pittsburgh*
- 44 Moody's *Truth about Trusts*, Moody \$2. is valuable for reference. It briefly states and analyzes conditions of over 400 active American trusts.  
Annals of Amer. Acad. 24:387, 389.
- .8 b Tarbell, I. M. History of the Standard Oil Company. McClure \$5 n
- 331 Valuable contribution to knowledge concerning development and methods of this great monopoly. Open-minded as to facts, but bases condemnation on assumptions not yet generally granted in business world. Published in *McClure's Magazine*, except appendix 100p.  
Atlantic, 95:414 (G. H. Montague); Dial, 38:313; Nation, 80:15; Outlook, 79:394
- c Hunter, Robert. Poverty. Macmillan \$1.50 n
- 745 Study of causes, extent and rapid increase of poverty in American cities, with some practical suggestions for improved conditions. By New York settlement worker.  
Critic, 46:90; Dial, 38:155; Econ. Jour. 15:97 (Bosanquet); Nation, 80:70; Yale R. 14:86
- Steffens, J. L. The Shame of the Cities. McClure \$1.20 n
- 45 Scathing indictment of municipal corruption in six American cities. Concludes that the business man's use of politics for personal advantage is the root of the evil. Reprinted from *McClure's Magazine*.  
Bookman, 19:302; Nation, 79:159; Current Lit. 36:599 (J. W. Chadwick)
- Wilcox, D. F. The American City: a Problem in Democracy. (Citizens' Lib.) Macmillan \$1.25 n



- 4-13651 Devoted mainly to analysis of conditions of city life and changes needed to bring individual to responsibility for government. Two chapters on administrative questions.  
Annals of Amer. Acad. 25:137; Dial, 37:167 (Zueblin); Nation, 79:186
- 352.073 **Goodnow, F. J.** City Government in the United States. (Amer. State Ser.) Century \$1.25 n
- 4-26899 Considers nature and development of cities, relation to state, popular control, council, executive, administration of charities, corrections, schools, public works, finance, police department.  
Annals of Amer. Acad. 25:348
- 353 **Cleveland, Grover.** Presidential Problems.  
Century \$1.80 n
- 4-27679 Discusses four important issues of his administration: independence of executive; Chicago strike of 1894; bond issues; Venezuelan boundary controversy.  
Lit. W. 35:320; Nation, 79:375
- 360 **Henderson, C. R.** Modern Methods of Charity.  
Macmillan \$3.50 n
- 4-34918 Comprehensive account of the various systems of relief, public and private, in principal countries of world. Bibliography.  
Dial, 38:269
- 361 **Barton, Clara.** The Story of the Red Cross.  
Appleton \$1 n
- 4-16175 Early history and account of relief work accomplished in war and disaster during past 25 years.  
Lit. W. 35:253.
- 361 **Devine, E. T.** The Principles of Relief.  
Macmillan \$2 n
- 4-29696 Discusses principles which should control in giving aid, presents instructive typical cases, sketches some aspects of English and American plans, and describes action in sudden disasters as Chicago fire, Johnstown flood, etc.  
A distinct contribution to the literature of scientific philanthropy. Point of view constructive. . . Both for practical worker and scientific student, the authoritative work. *Annals of Amer. Acad.* 25:143
- 385 **Spearman, F. H.** The Strategy of Great Railroads.  
Scribner \$1.50 n
- 4-32771 Popular account of origin and management of principal American systems. 11 maps of territory served.  
Ath. 1905. 1:629; Dial, 38:196; Nation, 80:39
- 396 **Richardson, B. J.** The Woman Who Spends.  
Whitcomb \$1 n
- 4-32175 Aims to make women realize their influence in the economic world and urges them to a sense of responsibility in use of money.

## EDUCATION

See also Juvenile, p. 533

- 370.4 **Briggs, Le B. R.** Routine and Ideals. Houghton \$1 n
- 4-32311 College and school addresses and essays, emphasizing necessity of thorough drill, constrained by inspiring ideals.  
Nation, 79:528



- Wilson, E. C.** *Pedagogues and Parents.* Holt \$1.25 n  
 7 Suggestive discussion, leavened by humor and good sense, of present educational methods. Written by a parent, for parents.
- 4 *a* **Washington, B. T.** *Working with the Hands; being a Sequel to "Up from Slavery."* Doubleday \$1.50 n  
 7 Rightly called "Working with the Hands" rather than "Story of Tuskegee." The principle is larger than the institution and he tells something of its wider application. *Dial*, 37:65  
*Nation*, 78:502
- a* **Martin, E. S.** *The Luxury of Children and some other Luxuries.* Harper \$1.75 n  
 1 Essays, light and humorous but based on solid truths, maintaining that children are "a gilt edged security" netting entertainment, stimulation and the highest satisfaction.  
*Dial*, 37:425; *Nation*, 79:467
- Davidson, Thomas.** *The Education of the Wage-earners.* Ginn 75c  
 1 Account of author's practical experiment in attempt to solve the problem of education among breadwinners of East side of New York. Chapters by editor on life and philosophy of author and continued success of movement since his death.  
*Nation*, 79:524
- c* **Lorimer, G. H.** *Old Gorgon Graham: More Letters from a Self-made Merchant to his Son.* Doubleday \$1.50  
 1 Continues advice of the *Self-made Merchant to his Son* in business and domestic affairs.  
*Ath.* 1905, 1:207; *Bookman*, 20:157
- 73 **Crawford, M. C.** *The College Girl of America and the Institutions Which Make Her What She Is.* Page \$1.50  
 1 Account of history, government, aims, spirit, athletics and social life of principal women's colleges. Several chapters on coeducational and smaller southern colleges. Photographic illustrations.  
*Lit. W.* 35:376

## COSTUME

- McClellan, Elisabeth.** *Historic Dress in America, 1607-1800.* Jacobs \$10 n  
 5 Less entertaining reading than Mrs Earle's *Two Centuries of Costume in America, 1620-1820*, 1903, \$5n., but more sumptuously  
 1 illustrated by colored plates, drawings, halftones and photographic reproductions, and specially valuable for reference use. Text drawn from letters, journals, advertisements and other original sources. Glossary and list of authorities.  
*Nation*, 79:507

## LANGUAGE

- Jespersen, Otto.** *How to Teach a Foreign Language.* Macmillan 90c n



- 5-2094 Short, practical work by Danish philologist, admirably  
Advocates "direct" or "natural" method. Rich in pedag-  
gestions.  
Ath. 1904, 2:349; Nation, 78:309
- 421.5 *b* Lounsbury, T: R. The Standard of Pronun-  
in English. Harper
- 4-6077 Professor Lounsbury writes entertainingly and from i  
knowledge on progress of change in pronunciation, and der  
that no permanent standard exists.  
Dial, 36:400; Lit. W. 35:104; Nation, 78:337

## NATURAL SCIENCE

See also Juvenile, p. 534

- 533.6 Santos-Dumont, Alberto. My Air-ships.  
Centur
- 4-6766 Clear, interesting recital of author's experiences and  
builder and navigator of air ships. Photographic illust  
diagrams.  
Sufficiently technical to be accurate, but not at a  
*Literary Wor*  
Dial, 36:304
- 546 *c* Strutt, R. J. The Becquerel Rays and the  
of Radium. Longma
- 5-6000 Clear, concise presentation of question of relations  
electricity and matter. Within grasp of average coll
- 4-34929 Righi's *Modern Theory of Physical Phenomena; Radio-a*  
*Electrons*, Macmillan \$1.10n., (530) is somewhat more
- 4-33383 Rutherford's *Radio-activity*, Macmillan \$3.50n., (53)  
valuable treatise for advanced students.  
Strutt, Nation, 80:100; Nature, 71:172; Rutherford  
1:657; Spec. 93:257
- 551 Russell, I. C. North America. (Appleton  
Ser.) Applet
- 4-14166 Concerned chiefly with physical geography, and with di  
plants and animals. Appended chapters on geology and  
Bibliographies, maps and diagrams.  
Nation, 79:83; Dial, 37:92; Lit. W. 35:217; Ath. 190
- 582 McFarland, J. H. Getting Acquainted with  
Macmill
- 4-10911 A tree lover's chatty information, not a handbook. Its  
unusually beautiful photographic illustrations stimulate  
observation. Published in *Outlook*.  
Dial, 36:375; Nation, 78:371
- 584.15 *b* Niles, G. G. Bog-trotting for Orchids.  
Putna
- 4-10080 Interesting sketches of rambles in search of orchid  
the Hoosac valley, with much information on other p  
region. Appendix on New England orchids. Admirable  
24 being colored.  
Dial, 36:356; Nation, 78:371; Sat. Rev. 99:316



**b Roberts, C: G: D. The Watchers of the Trails.**

Page \$2

- 4 Fascinating stories of brute heroes, in which the tragedy of eternal warfare among the lower animals is vividly portrayed.

Avowedly fiction, they are at the same time true, in that the material of which they are molded consists of facts. *Preface*

Ath. 1905, 1:46; Lit. W. 35:161; Nation, 79:32

**Sharp, D. L. Roof and Meadow.** Century \$1.50 n

- 3 Observations and reflections from city roof and near-by country fields. Birds chiefly, but also cats, squirrels, snakes and human beings are reported.

Dial, 36:359

- 7 **a Hornaday, W: T. The American Natural History.** Scribner \$3.50 n

- 3 Popular. Intended to bridge chasm between scientific "zoology" and the "nature studies" of grammar grades. Illustrated by 227 drawings.

Dial, 36:360; Nation, 78:471

- 8 **c Comstock, J: H: & A. B. How to Know the Butterflies of the Eastern United States.** Appleton \$2.25 n

- 5 Popular guide. Adapts scientific classification to use of beginners. Drawings and 45 colored illustrations from life. Clear and authoritative. Poetic quotations on butterflies interspersed.

Dial, 36:374

**Hoffmann, Ralph. Guide to the Birds of New England and Eastern New York.** Houghton \$1.50 n

- 5 More extensive than Chapman's *Bird-life*, describing over 250 species, but having only small text illustrations. More popular but less complete than Chapman's *Handbook*. A key for each season and full data as to appearance in the field give it special value for beginners.

**c Mathews, F. S. Field Book of Wild Birds and their Music.** Putnam \$2 n

- 5 Sketches of 82 New England birds, with 54 full-page illustrations, mainly colored. Easily first as a guide to bird song, the descriptions and notations, from many sources, being equally valuable and interesting. More useful for supplementary reading than as an identification book.

## USEFUL ARTS

*See also Juvenile, p. 534*

**b Sanford, F. G. Art Crafts for Beginners.**

Century \$1.20 n

- 3 Design, thin woodworking, pyrography, sheet metal work, leather work, bookbinding, simple pottery, basketry, beadwork. Rudimentary principles and simple problems. Illustrated by author's drawings and photographs.

Nation, 79:436



- 608 Doubleday, Russell. Stories of Inventors.**  
Doubleday \$1.25 n
- 4-22875** Popular account of wireless telegraphy, air ships, fast trains and steamboats, life-savers, automobiles, moving pictures, bridge builders, submarine boats, telephony, typesetting machines, artificial ice. Illustrated.  
Spec. 93:772
- 609 Cochrane, C. H. Modern Industrial Progress.**  
Lippincott \$3 n
- 4-36154** Covers a bewildering diversity of subjects, from mining to flying, plowing to printing, transportation by horse to railway and automobile. Encyclopedic, but neither profound in treatment nor remarkable for accuracy. *Nation*, 80:191  
405 halftone illustrations.
- 613.71 Sargent, D. A. Health, Strength and Power.**  
Caldwell \$1.75 n
- 4-27875** Discusses food, air, sleep, bathing, clothing, athletics. Describes and pictures 56 exercises without apparatus, giving definite advice as to fitness for men, women, young, old and middle aged. Author director of Harvard gymnasium.
- 630 Powell, E. P. The Country Home. (Country Home Lib.)**  
McClure \$1.50 n
- 4-37012** Practical, pleasantly written advice on selecting a site, building, water supply, lawns, flowers and fruit and vegetable growing. Photographic illustrations.  
*Nation*, 79:522
- 633 Hunt, T: F. Cereals in America.** Judd \$1.75
- 4-37016** Treats structure, composition, varieties, climate, soil, cultural methods, enemies, harvesting, marketing, etc. Textbook, primarily, but useful to intelligent farmer. Author Cornell professor of agronomy.
- 641 c Low, B. J. French Home Cooking Adapted to the Use of American Households.** McClure \$1.20 n
- 4-34145** Chiefly meats, vegetables, soups, sauces, ragouts etc., with few sweets. Author French woman, long practically acquainted with American conditions. Fox's *Blue Grass Cook Book*, Fox \$1.50n., made up of recipes contributed by Southern housewives and varying much in detail of directions, has large number of sweet dishes and breads.  
*Nation*, 80:78
- 4-21737**
- 650.7 Herrick, C. A. Meaning and Practice of Commercial Education. (Macmillan's Commercial Ser.)**  
Macmillan \$1.25 n
- 4-22279** History of movement in Europe and America, defense of place and value in school system, sets of illustrative examination papers, bibliography. *Education*, 25:318
- 4-3739** Haskins's *Business Education and Accountancy*, Harper \$2n., in collected essays and addresses urges business training in college and university, dwelling specially on accountancy and banking.  
Herrick, *Annals of Amer. Acad.* 25:349; Haskins, *Lit. W.* 35:105; *Dial*, 36:332



**Story, A. T.** Story of Wireless Telegraphy.

Appleton \$1 n

- 3 Historical, treating quite fully experiments before Marconi. Less  
 1 of technical explanation than Tunzelmann's *Wireless Telegraphy*,  
 2 1901 and Bubier's *A. B. C. of Wireless Telegraphy*, new ed. 1904.  
 . Ath. 1905, 1:179; Dial, 38:131

c **Altmaier, C. L.** Commercial Correspondence and  
 Postal Information. (Macmillan's Commercial  
 Ser.) Macmillan 75c n

- 7 Detailed instruction in business letter-writing, with model forms  
 and exercises based on a variety of conditions. Postal information  
 very complete.

**White, Mary.** How to Make Pottery.

Doubleday \$1 n

- 9 Practical, detailed directions for the untrained worker, taking up  
 clay, tools, glaze, the kiln, the wheel etc. Chapters on Indian and  
 modern American pottery. Illustrated.  
 Dial, 38:52

c **Tinsley, L. R.** Practical and Artistic Basketry.

Kellogg \$1

- Elementary, prepared for manual training use. Deals with mate-  
 12 rials and methods, and describes many weaves and stitches. Fully  
 8 illustrated. For full directions for making special articles see  
 3 White's *How to Make Baskets and More Baskets*, 1901-3, Doubleday  
 \$1 n. each. Very full treatment of Indian basketry, historical,  
 descriptive, illustrative and bibliographic, is given in Mason's  
*Aboriginal American Basketry* published in 19th Annual Report of  
 5 United States National Museum. \$2.25 and republished in two  
 sumptuous volumes by Doubleday \$15.  
 Mason, Nation, 80:219

## FINE ARTS

See also Juvenile, p. 534

**Froehlich, H. B. & Snow, B. E.** Text-books of Art  
 Education. Bk 1-5. Prang Educ. Co.

bk 1 and 2, 25c ea. bk 3, 30c. bk 4 and 5, 45c ea.

Short descriptive bits and suggestions in verse and prose, with  
 simple illustrations in black and white and in color, which serve  
 both for copy and illustration of principles of drawing and use of  
 color. Books become more directly instructive as series proceeds.

**Potter, M. K.** Art of the Louvre. Page \$2 n

- 3 For traveler and amateur. Brief history of palace, with descrip-  
 tions and mainly quoted criticisms of oil paintings. Plans and about  
 50 fair halftones.  
 Acad. 68:34; Ath. 1905, 1:536; Lit. W. 35:375

**Reinach, S.** Story of Art throughout the Ages.

Scribner \$2 n

- 3 History of architecture, sculpture and painting. Remarkable com-  
 pact, readable, broad in view, sagacious and illuminating in criticism.  
 Nearly 600 very small, clear halftones. German title *Apollo*.  
 Dial, 38:202; Nation, 80:58



- 709.453 Pauli, Gustav. Venice. (Famous Art Cities)**  
(Grevel 4/) Scribner \$1.50 n
- 4-32672 After brief summary of history, devoted to description of architecture, sculpture and painting. Profuse and excellent halftones. No. 2 of useful series of art guides translated from the German, No. 1 being Engelmann's *Pompeii*.  
4-7317 Pauli, Nation 79:9; Engelmann, Nation 78:351; Ath. 1904, 2:388
- 712 Skinner, C: M. Little Gardens: How to Beautify City Yards and Small Country Spaces.**  
Appleton \$1.25 n
- 4-13622 Sensible instruction on beautifying city dooryards and small country spaces. Working diagrams and photographs.  
Dial, 36:357
- 716 c Thomas, Mrs R. F. (Mrs Theodore Thomas). Our Mountain Garden.**  
Macmillan \$1.50 n
- 4-11546 Practical in garden counsel, and charming in its incidental revelation of the spirit of their New Hampshire summer home.  
Dial, 36:356
- 730 c Sturgis, Russell. The Appreciation of Sculpture.**  
Baker & T. \$1.50 n
- 4-27687 Attempts to help general readers to discern the qualities which command admiration in the best ancient and modern sculpture. 64 halftones.  
Dial, 37:315; Nation, 79:508
- 735 Caffin, C: H: American Masters of Sculpture.**  
Doubleday \$3 n
- 3-29875 Appreciations of 11 living sculptors, with essays on the decorative and ideal motives; 30 halftone plates. Libraries should have Taft's comprehensive *History of American Sculpture* (1903) but may well add this fuller treatment of contemporaries.  
3-30499 Caffin, Bookman, 19:67; Dial, 36:151
- 741 Baldry, A. L. Holbein. (Drawings by Great Masters)**  
Scribner \$2.50 n
- Short introduction and 48 excellent plates, mainly of portraits from Windsor collection.  
Ath. 1904, 2:882; Dial, 37:426
- 741 Barritt, Leon. How to Draw.**  
Harper \$2 n
- 4-33593 Sets forth in simple, practical way the basic principles of illustration. Working studies and many reproductions of news and fiction illustrations, cartoons and comics by well known draftsmen.
- 746 Goldenberg, S: L. Lace, its Origin and History.**  
Brentano \$1.50 n
- 5-77 Simple, comprehensive aid to judgment of lace, primarily for commercial purposes. Alphabetical arrangement by varieties described.  
4-33228 Excellent illustrations. Moore's more sumptuous *Lace Book*, Stokes \$5n., is historical in treatment, giving interesting associations, with 70 examples, including portraits.  
Dial, 37:427; Nation, 80:158



**White, Mary.** How to Do Beadwork. Doubleday \$1 n

- 3 Clear and simple directions for making chains, belts, bags, purses, candle shades and other articles, by stringing, sewing, knitting, crocheting or handloom weaving.

**Watts, G: F:** Pictures by George Frederick Watts.  
(Newnes' Art Lib.) . Warne \$1.25

- 64 fair reproductions, 24 p. text, comprising biographic sketch by W. K. West and essay on his art by Romualdo Pantini. Desirable supplement if library has already Bateman's *G. F. Watts, R. A.*, Bell's Miniature Ser. Macmillan 50c. A folio containing 23 much better reproductions with unimportant introduction and poetic selections for each plate is published by Fox, Duffield & Co. \$5n., reviewed, *Dial*, 37:372.

**Brownell, L. W.** Photography for the Sportsman Naturalist. (Amer. Sportsman Lib.)

Macmillan \$2 n

- 0 Instructs in art of photographing wild life of woods, fields and streams in natural surroundings. Chapters on camera, telephotographic lens and dark room. Many reproductions.

#### MUSIC

See also Reference books, p. 505 Biography, p. 524 and Juvenile biography, p. 535

17 **c Elson, L: C:** History of American Music.

Macmillan \$5 n

- 1 From beginnings to date (1904). Religious beginnings, musical organizations, orchestra, opera, chorus, national and folk music, composers, women in music, musical education, criticism, etc. Many portraits and illustrations.

Nation, 78:276; *Dial*, 36:396; *Ath.* 1904, 2:129

1 **Aldrich, Richard.** A Guide to Parsifal. Ditson \$1

- 9 Popular; treats origin, story, music. Perhaps best guide for non-musical person wishing to prepare for performance. Principal themes, and illustrations from stage settings.

Nation, 79:376

**Weingartner, Felix.** The Symphony since Beethoven.

Ditson \$1

- 5 A distinguished German conductor's brief critical comments on work of Haydn, Schubert, Mendelssohn, Schumann, Brahms, Bruckner, Tschaikowsky, Berlioz, Liszt, Strauss, Mahler.

#### AMUSEMENTS AND SPORTS

See also Juvenile, p. 535

**b Kingsland. Mrs Florence** (Mrs Burton Kingsland).  
The Book of Indoor and Outdoor Games.

Doubleday \$1.50 n

- 5 Excellent collection for all ages and occasions, with suggestions for special days, dinners, dances, tableaux and wedding anniversaries. Games mainly with apparatus.

Benson's *Book of Indoor Games for Young People of all Ages*, Lippincott \$1.50, contains children's games, card games, puzzles, conjuring and directions for making simple toys. Illustrated.



- 791 Lewis, A. J. "Prof. Hoffmann" *pseud.* Later Magic.  
Dutton \$2 n

4-2983 Up to date (1904) methods, and tricks with tables, wands, watches, rings, handkerchiefs, colors, flags, gloves, eggs, hats etc. Chapters on conjurer's dress and appliances.

- 796 Barbour, R. H: Book of School and College Sports.  
Appleton \$1.75 n

4-14234 Describes American football, baseball, track and field athletics, lacross, ice hockey, lawn tennis, with rules, vocabularies and records. Appendix gives Harvard-Yale agreement. Illustrated.  
Lit. W. 35:197

## POETRY

See also Juvenile, p. 535

- 811.49 Van Dyke, H: J. Music, and other Poems.  
Scribner \$1 n

4-27864 Delicate and graceful in workmanship, the expression of a refined and sensitive poetic instinct rather than the outpourings of a creative mind. *W. M. Payne in Dial, 38:197*  
Lamp, 29:450; Lit. W. 35:372; Nation, 79:440

- 821.04 a Child, F. J. *comp.* English and Scottish Popular Ballads. Cambridge ed. Houghton \$3

4-13303 300 of the 305 ballads in Professor Child's 10 v. collection are here represented by at least one version, with short introduction. Notes, list of sources, glossary and index.  
Critic, 45:479.

- 821.08 c Page, C. H. *ed.* British Poets of the Nineteenth Century. Sanborn \$2

4-26912 Selections from Wordsworth, Coleridge, Scott, Byron, Shelley, Keats, Landor, Tennyson, the Brownings, Clough, Arnold, Rossetti, Morris, Swinburne. Valuable both to small libraries, unable to afford these poets in full, and to students for reference lists comprising selected editions, biography, criticism, tributes in verse and cited bibliographies.  
Nation, 79:356

- 821.08 Pertwee, Ernest, *comp.* Reciter's Treasury of Verse.  
Dutton \$1.50 n

Serious and humorous selections from about 150 authors, nearly five sixths being British. Introductory essay on the art of speaking. Standard of selection high.  
Nation, 79:245

## DRAMA

- 812.49 Aldrich, T: B. Judith of Bethulia. Houghton \$1 n

4-34550 This play, written for Miss Nance O'Neill, is in part a dramatization of author's narrative poem, *Judith and Holofernes*.  
Bookman, 21:101; Critic, 46:73; Dial, 38:48; Nation, 80:73



**Phillips, Stephen.** The Sin of David.

Macmillan \$1.25 n

9 Of high literary quality. A modern version of the old Hebrew story of David, Uriah and Bathsheba. Scene, England during Cromwellian wars.

Ath. 1905, 1:155; Bookman, 20:554; Critic, 46:91; Dial, 38:47; Nation, 80:72; Spec. 93:837

#### ESSAYS, HISTORY OF LITERATURE, ETC.

*See also* Reference books, p. 505

**Payne, W: M. ed.** American Literary Criticism.  
(Wampum Lib.) Longmans \$1.40 n

8 Critical extracts from R. H. Dana, Ripley, Emerson, Poe, Margaret Fuller, Lowell, Whitman, Whipple, Stedman, Howells, Lanier, Henry James, with introduction on development of American criticism. Other volumes of series represent, by examples in chronologic sequence, the development of American familiar verse and short stories.

Dial, 38:14; Nation, 79:443

**Jordan, M. . A.** Correct Writing and Speaking.  
(Woman's Home Lib.) Barnes \$1 n

7 Discusses standards, expression in speech and writing, speaking and singing, prose, poetry, spelling, handwriting, grammar, use of the dictionary. Short bibliography. Author professor of English at Smith College.

**Laycock, Craven & Scales, R. L.** Argumentation and Debate. Macmillan \$1.10 n

8 Manual for teachers and students. Discusses principles applicable alike to written and spoken discourse, treating oral argument most fully. Illustrated by fresh and excellent examples.

Nation, 79:377

**Ker, W. P.** The Dark Ages. (Periods of Europ. Lit.)  
Scribner \$1.50 n

5 By wise selection, lucid exposition and occasional happy characterization, maintains interest even for those prepared to find the Dark Ages pretty dull and unprofitable. *Nation*, 80:382

Dial, 37:172; Sat. R. 98:237

**Rittenhouse, J. B.** The Younger American Poets.  
Little \$1.50 n

6 Critical study and appreciation, with selections from works, of 18 American poets born since 1850. Portraits and biographical index.

Critic, 46:380

**Burroughs, John.** Far and Near. Houghton \$1.10 n

10 Wild life around author's cabin in the Catskills, a trip to Alaska and a February in Jamaica.

Dial, 38:19; Nation, 79:445; Spec. 94:223



814.49 Colby, F. M. Imaginary Obligations. Dodd \$1.

4-26102 Short, discursive essays touching on literary and educational  
ters, social relations, the theater, etc.

He has humor of a very pleasant sort. His writing suggests  
talk. *Munroe Smith* in *Bookman*, 20:368

Critic, 45:569; Dial, 38:20

814.49 b Deland, Mrs M. W. C. The Common Way.

Harper \$

4-29361 Familiar talks on everyday relations of life and clash of old  
new ideals, social and religious.

814.49 Perry, Bliss. The Amateur Spirit. Houghton \$1

4-28230 Other essays: Indifferentism; The Life of a College Professor  
College Professors and the Public; Hawthorne at North Andover  
Fishing with a Worm.

Dial, 38:93; Nation, 80:138

814.49 b Repplier, Agnes. Compromises. Houghton \$1

4-24484 As clever and delightfully heretical as her older *Points of View*  
4-13862/3 There is the same felicity of bookish allusion, the same keen  
analysis and unfailing wit. *Dial*, 37:315

Her defense of the spinster neatly offsets the fears entertained  
*The Woman Errant*, p. 533.

Ath. 1905, 1:78; *Bookman*, 20:317; Critic, 45:568; Nation, 79:185

818.4 Davis, Mrs R. H. Bits of Gossip. Houghton \$1

4-27333 Reminiscences of her childhood in the South, the Civil War  
Alcott, Emerson, Hawthorne, Holmes, Clay, Fremont and C. L. Burleigh  
Dial, 37:303; Nation, 79:505; Spec. 94:185

818.4 Torrey, Bradford. Nature's Invitation: Notes of a  
Bird-gazer North and South. Houghton \$1

4-26926 30 short chronicles of discovery attending walks in New  
Hampshire, Florida, Texas and Arizona.

Dial, 37:317; Nation, 79:316

818.4 b White, S. E.: The Mountains. McClure

4-29782 Describes journey across Californian coast ranges. Cha-  
equipment, choosing horses, the trail, seeing deer, camp  
tenderfeet, the night wind, etc.

Ath. 1905, 1:334; *Bookman*, 20:370; Nation, 79:436; Spec. 94:185

820.4 Stephen, Leslie. English Literature and Society  
the 18th Century. Duckworth

4-13611 The buoyant and energetic style never flags, holding the reader  
to the close. We have here the quintessence of our 18th  
literature—the rich cream of criticism. *Athenaeum*, 1904.

Acad. 66:216; Spec. 92:669

844.89 c Maeterlinck, Maurice. The Double Garden.

Dodd

4-13663 16 essays ranging from motor cars and gaming tables :  
Carlo to destiny of human race. Lacking nothing of Maeterlinck's  
distinctive literary charm, but somewhat less abstract and  
than his former work. *Pittsburgh Courier*

Acad. 66:634; Ath. 1904, 2:70; Lit. W. 35:252; Spec. 93:185



## HUMOR

- 9 Herford, Oliver. *Rubáiyát of a Persian Kitten*.  
Scribner \$1 n
- 3 35 capital cat drawings with accompanying quotations parodying Omar.  
Dial, 37:425
- c Wells, Carolyn, comp. *A Parody Anthology*.  
Scribner \$1.25 n
- 7 Grouped by poets parodied, from Spenser parodied by Keats to Kipling as echoed by Guy Wetmore Carryl.

## DESCRIPTION AND TRAVEL

See also Juvenile, p. 535

- b O'Connor, W: D. *Heroes of the Storm*.  
Houghton \$1.50
- 7 Tales of shipwreck and gallant rescues, selected from official reports of life-saving service. Interest enhanced by marked literary power.  
Nation, 79:401
- 76 Platner, S: B. *The Topography and Monuments of Ancient Rome*. (Allyn & Bacon's College Latin Ser.)  
Allyn \$3
- ) Introductory, for student of Roman antiquities; discusses topography of each region, locating buildings and monuments and describing those more important. Based largely on Richter's *Topographie der Stadt Rom*. Maps, plans, illustrations.  
Amer. Hist. R. 10:617; Ath. 1905, 1:599; Nation, 79:202
- Maxwell, Donald. *The Log of the Griffin: the Story of a Cruise from Switzerland to the Thames*.  
Lane \$2 n
- Artist's voyage in a yawl from the Swiss Alps through Lake Zurich, the Rhine and to England. 100 drawings, 16 color sketches.  
Dial, 38:89; Nation, 80:78; Internat. Studio, 25:118
- Dougall, C: S. *The Burns Country*.  
(Black 6/) Macmillan \$2
- 1 Brings out historical associations; also traditions connected with other literary men, as well as those pertaining to Burns's life and writings. Map and 50 plates from photographs.
- 3 Crockett's *Raiderland*, Hodder & S. 6/. Dodd \$2, n. (914.140) describes Galloway, its traditions, characters, humors, with 113 Pennell drawings. Another phase of Scotland's literary life is brought out
- 8 in Hutton's *Literary Landmarks of the Scottish Universities*, Putnam \$1.25 n. (378.41): Sharp's sumptuous illustrated essays on *Literary Geography*, Pall Mall 10/6. Scribner \$3.50 n. (914.2) touches Scott, Stevenson, Carlyle, and reaches out to English writers, and literary associations in Wales and about Lake Geneva.  
Dougall, Ath. 1904, 2:109; Acad. 67:48; Crockett, Ath. 1904, 2:763; Acad. 67:455; Dial, 38:89; Hutton, Nation, 70:416; Sat. R. 99:318; Sharp, Nation, 80:120; Dial, 38:202; Spec. 93:875



- 914.1 **Sanderson, William.** Scottish Life and Character;  
Painted by H. J. Dobson, Described by William  
Sanderson. (Black 7/6) Macmillan \$3 n
- 5-11590 Readable text, secondary to 20 reproductions in color of Mr Dob-  
son's paintings; represents Scotland's religious, domestic and country  
life. *Bonnie Scotland*, painted by Sutton Palmer, happily described  
by A. R. H. Moncrieff, Macmillan \$6n. (Black 20/) represents  
natural scenery; 75 colored plates.  
Acad. 67:611; Ath. 1905, 1:118
- 914.2 **Besant, Sir Walter.** London in the Time of the Tudors.  
(Surrey of London)  
(Black 30/n) Macmillan \$7.50 n
- 5-6023 Supplies lively and accurate information through narrative of  
events and essays on social usage, trade, costume, the poor, theaters,  
3-2034 crime etc. Preceded in series by *London in the 18th Century* and  
books, hardly within means of small libraries, might well be sug-  
gested to patrons wishing to make gifts, as of practical value.  
Acad. 67:227; Ath. 1904, 2:581; Nation, 79:459
- 914.2 **Tozier, Josephine.** Among English Inns. (Little Pil-  
grimages Ser.) Page \$1.50 n
- 4-18481 Descriptive guide to attractive haunts of rural England. Selborne,  
Chagford, Clovelly, Boston and Norwich among places visited.  
Pittsburgh  
Lit. W. 35:252
- 914.316 **Adventures of Elizabeth in Rügen, by the author of**  
"Elizabeth and her German Garden."  
Macmillan \$1.50
- 4-3735 Elizabeth, accompanied by her coachman and incomparable maid,  
makes a 12 days' driving tour round the island of Rügen. A guide  
full of piquant personal flavors.
- 914.41 *c* **Kean, Martha, pseud.** A Transplanted Nursery.  
Century \$1.20 n
- 4-30967 Summer sojourn of an American family in a villa farmhouse on  
the coast of Brittany, described in letters home. Illustrated from  
photographs.  
Nation, 79:459
- 914.56 **Elliott, Mrs Maud (Howe).** Roma Beata: Letters  
from the Eternal City. Little \$2.50 n
- 4-30960 Highly readable home letters, written during six years' residence.  
Describes visit to Queen Margaret, presentation to Leo 13, and gives  
much information about conditions of domestic and social life.  
Dial, 37:375; Nation, 79:20
- 914.7 *b* **Ganz, Hugo.** The Land of Riddles (Russia of To-  
day). Harper \$2 n
- 4-32182 Impressions of Austrian traveler, 1904. Report of political and  
social conditions and estimate of czar of special interest in light  
of subsequent events.  
Ath. 1905, 1:81; Dial, 38:89; Nation, 80:180



- 4 *c* **Rawnsley, H. D.** Flower Time in the Oberland.  
(MacLehose 5/n) Macmillan \$2
- 3 Enthusiastic descriptive essays on Switzerland in May, each headed by a sonnet. 12 illustrations from drawings by Mrs Edith Rawnsley. *Nation*, 78:351; *Sat. R.* 97:498
- 6 **Garnett, L. M. J.** Turkish Life in Town and Country.  
(Our Europ. Neighbours) Putnam \$1.20 n  
Official and domestic life, social institutions, education, religion, nomad and brigand life, among Mohammedan Turks, Albanian, Macedonian, Armenian and Hebrew communities.
- Townley, Susan, lady.** My Chinese Note Book.  
Dutton \$3 n
- 3 Entertaining, including brief sketch of history and religions and observations on court life, the Dowager Empress, Manchu princesses, people, manners and customs. Map and illustrations.  
*Ath.* 1905, 1:12; *Nation*, 79:335; *Spec.* 93:742
- 8 **Hosie, Alexander.** Manchuria: its People, Resources and Recent History.  
(Methuen 7/6 n) Scribner \$2.50 n  
Careful account of physical features, agricultural and mineral products, people and industries. Preface dated 1900, but still of great service toward understanding of Russo-Japanese conflict. Folding map, plates, tables.
- 5 Weale's *Manchu and Muscovite*, Macmillan \$3n., though of less permanent value, is a useful and more popular survey, which strongly condemns Russian policy. Events have proved its prophecies much more correct than those of Whigham's *Manchuria and Korea*, Scribner \$2n., which concludes "that as far as Manchuria is concerned, Russia is now more or less invulnerable."
- 7 Hosie, *Nation*, 79:36; Weale, *Nation*, 79:140; *Ath.* 1904, 2:38; Whigham, *Ath.* 1904, 1:368
- 9 *c* **Hamilton, Angus.** Korea. Scribner \$1.50 n
- 5 Describes people, customs, social and political conditions. Author, English correspondent, some years resident in Far East. Introduction estimates strategic resources of Japan and Russia, December 1903. Map and illustrations.  
*Ath.* 1904, 1:200; *Spec.* 92:258; *Acad.* 66:94; *Lit. W.* 35:101; *Dial*, 36:265
- Knox, G: W:** Japanese Life in Town and Country.  
(Our Asiatic Neighbours) Putnam \$1.20 n
- 5 Much more of history and influences of older thought than usual in this descriptive series. Author prominent student of Japanese Confucianism. Map and photographic illustrations.  
*Dial*, 37:369 (Griffis); *Nation*, 79:402
- c* **Compton, Herbert.** Indian Life in Town and Country. (Our Asiatic Neighbours) Putnam \$1.20 n
- 5 Series of lively and graphic essays describing Indian native life and Anglo-Indian life. *Nation*, 79:417  
Author long resident in India.  
*Dial*, 37:277



- 917.1 Bradley, A. G.** Canada in 20th Century.  
Dutton \$4 n
- 4-9728** By an Englishman who has lived in Canada. Furnishes valuable information in regard to social and agricultural conditions and points out inducements offered to English emigrants. *Pittsburgh* Map and 50 halftone plates.  
Acad. 66:7; Dial, 37:113; Nation, 78:132; Sat. R. 97:114; Spec. 93:123
- 917.3 c McCracken, Elizabeth.** The Women of America.  
Macmillan \$1.50 n
- 4-33396** Outcome of journey undertaken to investigate achievements and ideals of women, in professions, public affairs, arts, and specially in the home and its affairs. Reprinted from *Outlook*.  
Critic, 46:281
- 917.3 b Münsterberg, Hugo.** The Americans. McClure \$2.50 n
- 4-35738** Popular philosophic study of American political, economic, intellectual and social life. Written for Germans, it complements his *American Traits*, addressed to Americans.  
**1-26925** Amer. Jour. of Sociology, 10:245; Dial, 38:147; Nation, 79:163, 80:12
- 917.445 Pickard, S: T:** Whittier-land: a Handbook of North Essex.  
Houghton \$1 n
- 4-10894** Identifies and describes places and many persons associated with Whittier's life and poems. 56 excellent illustrations from photographs. An interesting study of his religious ideas is given in Hawkins's *Mind of Whittier*, Whittaker 80c n. (811.36)
- 4-30605**
- 917.5 Johnson, Clifton.** Highways and Byways of the South.  
Macmillan \$2 n
- 4-30608** Impressions of rustic life among poor whites and negroes of Southern States east of the Mississippi. Many photographic illustrations.  
Ath. 1905, 1:622; Dial, 37:428; Nation, 80:79
- 917.5 a Murphy, E. G.** Problems of the Present South.  
Macmillan \$1.50 n
- 4-8288** Broad minded, hopeful discussion. Presents strongly case against child labor; condemns lynching; urges need of good common school system. Author Southern by birth and experience. Should be read with Booker Washington's volumes and Du Bois's *Souls of Black Folk*, for an all-round view of negro question.  
Murphy, Atlantic, 91:547 (B. Washington); Dial, 37:88; Nation, 78:317; Outlook, 76:967
- 917.8 Thwaites, R. G.** A Brief History of Rocky Mountain Exploration. (Expansion of the Repub. Ser.)  
Appleton \$1.25 n
- 4-2502** Outlines pioneer journeys from Balboa's crossing of Darien to construction of Pacific railways, giving main space to Lewis and Clark expedition. For full, handsomely illustrated history of this expedition, with identifications and statement of changes in regions traversed, see Wheeler's *Trail of Lewis and Clark, 1804-1904*, 2 v., Putnam \$6n. For short outline, with compact statement of present political and industrial conditions of the territory, see Hitchcock's
- 4-18634**



- 7 *Louisiana Purchase and the Exploration, Early History and Building of the West*, Ginn \$1.25.  
Thwaites, Dial, 36:261; Wheeler, Nation, 79:12; Dial, 37:112; Hitchcock, Dial, 36:262; Acad. 67:127
- 91 Burdick, A. J. *The Mystic Mid-region; the Deserts of the Southwest.* Putnam \$2 n
- 511 Interesting description of wonders, fascination, dangers, hardships and possibilities of arid western region, and particularly of Mojave and Colorado deserts. 55 illustrations from photographs.  
Dial, 37:273; Nation, 78:391

## HISTORY OF FOREIGN COUNTRIES

- 9.8 Maurice, A. B. & Cooper, F: T. *The History of the 19th Century in Caricature.* Dodd \$2.50 n
- 10487 *Bookman* articles, revised and amplified, with many added cartoons. Deals mainly with political history of France, Germany, England and America.  
Bookman, 19:390
- 937 Munro, D. C. *A Source Book of Roman History.* Heath \$1
- 4-8684 Not a continuous narrative, but a selection of extracts from original authorities on history, religion, institutions and society, with full bibliographic references.
- 942.03 Bateson, Mary. *Mediaeval England. (Story of Nations)* (Unwin 5/) Putnam \$1.35 n
- 4-7879 Authoritative, popular account of English society from 1066 to 1350, describing court, nobility, clergy, learning, art, education, and town and country life. *W. Dawson Johnston*  
Acad. 66:96; Dial, 36:331; Nation, 79:41; Sat. R. 99:21
- 942.34 Carey, E. F & Wimbush, H: B. *The Channel Islands.* (Black 20/) Macmillan \$6 n
- 5-11591 Attractive and useful on locality not hitherto popularly covered. Concerned with history, feudal survivals, folklore, customs, natural features. 76 color prints from paintings of scenery and life. Map.
- 952 c Asakawa, Kanichi. *The Russo-Japanese Conflict: its Causes and Issues.* Houghton \$2 n
- 4-33112 Clear, logical presentation of causes leading up to present struggle, diplomatic negotiations, and issues at stake. Author, Japanese lecturer on East Asian history and civilization at Dartmouth.  
Dial, 38:9; Nation, 80:98
- 952 a Okakura Kakuzo. *Awakening of Japan.* Century \$1.20 n
- 4-31632 . Briefly sketches political and intellectual history, pointing out that the new Japan is the outcome of inherent forces and ideals and that western influences should in many instances be resisted.  
Dial, 38:40; Nation, 79:509



- 952      *a* Seaman, L: L. From Tokio through Manchuria with the Japanese.      Appleton \$1.50 n

4-34136      Narrative of personal adventure at or near front in Russo-Japanese War, with special attention to Japanese hospital service and sanitary precautions in field. Author United States military surgeon. Critic, 46:471; Dial, 38:10; Nation, 80:216

#### AMERICAN HISTORY

- 973      *b* Colquhoun, A. R. Greater America. Harper \$2.50 n

4-9147      Discusses American interests in Asia, the Pacific and the Caribees, problems of national defense, expansion, colonization and government of dependencies. Maps.

Amer. His. R. 10:457; Ath. 1904, 1:619; Dial, 37:65; Nation, 79:167; Spec. 93:16

- 973      Hart, A. B. *ed.* The American Nation: a History from Original Sources by Associated Scholars. 28v. v. 1-5, Foundations of the Nations.      Harper \$9 n

Sold separately, University ed. \$2 each, Library ed. \$2n. each.

4-32405      v. 1 European Background of American History, 1300-1600, by E. P. Cheney.

4-32335      v. 2 Basis of American History, 1500-1900, by Livingston Farrand.

4-31309      v. 3 Spain in America, 1450-1580, by E. G. Bourne.

4-32336      v. 4 England in America, 1580-1652, by L. G. Tyler.

4-32334      v. 5 Colonial Self-government, 1652-1689, by C. M. Andrews.

4-32329      By specialists, based on original sources, for general reader. Thus far takes high rank. Frontispieces, 35 maps. v. 1 of Avery's *History of the United States and its People*, is very handsome in form, profusely supplied with significant illustrations and admirably executed tinted maps. Text readable and generally in accord with best authorities.

- 973      Sparks, E. E. The United States of America. 2v. v. 1, 1783-1830; v. 2, 1830-1900. (Story of Nations) (Unwin 5/ each) Putnam \$1.35 n each

4-32659      Not narrative of events, but interpretation of history in its consecutive phases. Maps and well chosen illustrations.

Amer. Hist. R. 10:883; Nation, 80:217

- 973.784      *c* Pryor, Mrs R. A. Reminiscences of Peace and War.      Macmillan \$2 n

4-29211      These reminiscences, like Mrs Clay-Clopton's entitled *A Belle of the Fifties*, Doubleday \$2.75n., (917.5) deal with matters social and political in Washington and the South from 1852-66. Mrs Pryor's give the fuller portrayal of domestic life. Both are entertaining and typical Southern in viewpoint.

#### BIOGRAPHY

See also Juvenile, p. 535

Armstrong. Talbot, Mrs E. A. Samuel Chapman  
Armstrong.      Doubleday \$1.50 n

4-3406      Simple, sincere story of the life of the founder of Hampton Institute for negroes and Indians.

Dial, 36:143; Nation, 78:294



- Arnold. Dawson, W: H.* Matthew Arnold and his Relation to the Thought of our Time. Putnam \$1.75
- 4-7334 Careful exposition of teachings on culture, religion and politics.  
4-5427 Russell's *Matthew Arnold*, Scribner \$1n., written from intimate personal knowledge, gives fuller picture of the man, studies his method, and surveys effect produced by writings. Both are fairer and less critical than Paul's *Matthew Arnold* (1902), Macmillan 75c n.  
2-25027 Dial, 37:200; Sat. R. 98:140; Dawson, Nation, 78:318; Russell, Ath. 1904, 1:496; Spec. 92:779; Paul, Ath. 1902, 2:273; Dial, 33:157; Nation, 75:212
- Bancroft, Mrs E.. D.* (*Mrs George Bancroft*). Letters from England, 1846-1849. Scribner \$1.50 n
- 4-7878 Familiar account of social experiences while her husband, George Bancroft the historian, was American minister at London.  
Dial, 36:301; Ath. 1904, 1:624; Spec. 92:781
- Beethoven. Shedlock, J. S.* Beethoven. (Bell's Miniature Ser. of Musicians 1/n each) Macmillan 50c
- 4-26133 Admirable birdseye view of principal facts about the composer's life and works. For characterization of this excellent, cheap, illustrated series, see *Nation*, 78:436.
- Browning. Dowden, Edward.* Robert Browning. (Temple Biog.) (Dent 4/6 n) Dutton \$1.50 n
- 4-19421 Specially interesting as study of poems, narrating events of life as related to and interpreting them.  
Acad. 66:271; Dial, 37:267; Spec. 92:774
- Burne-Jones. Burne-Jones, G. lady.* Memorials of Edward Burne-Jones, 1833-1898. 2v.  
Macmillan \$6 n
- 4-37057 As a record of his career, and particularly of his social life, the book is complete. Of criticism there is little or none. The writer, the talker, the letter writer—brilliant all three—lives in these pages.  
*Academy* 67:586  
Excellent illustrations, including pictures, studies, and portraits of the painter and his friends.  
Atlantic, 95:423
- Charles 2. Airy, Osmund.* Charles 2. (6/6 n) Longmans \$2.25 n
- 4-31687 Since Charles's cleverness has dazzled several recent writers, it is interesting to see the old view of his character set forth with fresh force and justified by an overwhelming weight of evidence.  
*Nation*, 79:118  
Originally published by Goupil, 1901, in fine editions only, at 63/n. and 160/n.  
Ath. 1901, 2:515; Spec. 87:187
- Chaucer. Tuckwell, W.* Chaucer. (Bell's Miniature Ser. of Great Writers 1/n each) Macmillan 50c
- The little volumes of this series, which already includes Garnett's *Coleridge* and Salt's *De Quincey* deserve high praise for literary treatment, compact array of facts and creditable illustration, at very low price.  
Acad. 67:383; Ath. 1905, 1:82; Spec. 93:523



**Conway, M. D.** Autobiography. Memories and Experiences of Moncure Daniel Conway. 2v.

Houghton

- 4-29207 Contains reminiscences of most prominent men of his England and America. His experience among famous political and historical movements has been rich and varied.

Ath. 1904, 2:757; Dial, 37:229; Nation, 79:358

*c* **Edgeworth. Lawless, Emily.** Maria Edgeworth's Reminiscences. (Eng. Men of Letters) Macmillan

- 4-28552 Unlike most of the series in being mainly a study of personality with little attempt at literary criticism. Emphasizes Irish background. Acad. 67:46; Ath. 1904, 2:408; Dial, 37:170; Nation, 79:390; R. 98:390

**Elgar. Buckley, R. J.** Sir Edward Elgar. (Masters of Music Ser.) L

- 5-8668 Sketch of personality and enthusiastic appreciation of his compositions as composer. List of works, portraits and illustrations. Nation, 80:380; Spec. 93:644

**Fleming. MacBean, L.** Marjorie Fleming: the life of a child. of Pet Marjorie. Putnam

The child's life, containing new extracts from her journals and verses, and portraits. Dr John Brown's charming essay on her friendship with Sir Walter Scott appended.

Acad. 66:100; Dial, 38:52

**Laut, A. C.** Pathfinders of the West. Macmillan

- 4-33584 Romantic and adventurous lives of Radisson, Le Sueur, Hearne, Mackenzie, Lewis and Clark. Not merely authentic but on original documents, but vivified by the touch of an artist. L

Nation, 80:318

*b* **Lee. Lee, R. E.** Recollections and Letters of General Robert E. Lee. Doubleday

- 4-27138 Contains comparatively little that is new regarding his conduct, but much that is interesting about his family life and his military career. Nation, 80:55

Acad. 67:502; Dial, 37:235

**Lee, Sidney.** Great Englishmen of the 16th Century. Scribner

- 4-33402 Studies, based on Lowell lectures, of characters and careers of More, Sidney, Raleigh, Spenser, Bacon and Shakspeare on spirit of 16th century. bibliographic notes, portraits.

Acad. 67:500; Nation, 80:332; Sat. R. 99:420

**McCarthy, Justin.** An Irishman's Story. Macmillan

- 4-21605 Supplement to *Reminiscences*, but of independent interest. account of early journalistic career in Ireland and English political life in Parliament during home rule agitation

A. L. 2 Atlantic, 95:427; Dial, 37:421; Nation, 79:401; Sat. R. 9



**Millet. Tomson, Arthur.** Jean François Millet and the Barbizon School. Macmillan \$3.25 n

First half devoted to Millet. Chapters on Dupre, Diaz, Rousseau and influences of romantic school. Over 50 good halftone plates.

Spec. 92:158

*a Nast.* **Paine, A. B.** Thomas Nast: his Period and his Pictures. Macmillan \$5 n

Concerned mainly with the great political caricaturist's work, the book outlines history and conditions in the United States from 1860-96. Over 400 reproductions.

Nation, 80:141

*Newman.* **Barry, William.** Newman. (Literary Lives) Scribner \$1 n

Sympathetic study and estimate of Cardinal Newman as a man of letters. Portraits and illustrations.

On the whole, the best thing that has been written about Newman.

*Athenaeum*, 1904, 1:777

Acad. 66:424; Dial, 37:240; Spec. 93:457

*b Prescott.* **Ogden, Rollo.** William Hickling Prescott. (Amer. Men of Letters) Houghton \$1.10 n

Supplements Ticknor's standard biography, bringing out more freely the historian's personality.

Dial, 37:208; Nation, 78:357

*b Roosevelt.* **Leupp, F. E.** The Man Roosevelt: a Portrait Sketch. (Appletons' Hist. Lives Ser.)

Appleton \$1 n

This title and that of Riis's *Theodore Roosevelt the Citizen*, Macmillan \$2n., might well be exchanged since Mr Riis's book deals rather with the President's personal qualities, Mr Leupp's mainly with his public acts. Both give favorable estimate, Mr Riis's being highly eulogistic.

Bookman, 19:182; Dial, 36:190; Nation, (Leupp) 78:178; (Riis) 79:205

**Ruskin, John.** Letters to Charles Eliot Norton. 2v.

Houghton \$4 n

Tragic record of the perplexities of a great and generous soul, the troubles of a tender heart, the spendthrift use and at last the failure of exceptional powers. *Charles Eliot Norton* in preface

Atlantic, 95:425; Bookman, 20:455; Dial, 37:417; Nation, 80:36; Spec. 92:407

**Schley, W. S.** Forty-five Years under the Flag.

Appleton \$3 n

Author's boyhood and naval service in Civil War, Far East, Greely relief expedition and Spanish-American War, with dignified statement justifying course during blockade of Cienfuegos and battle of Santiago.

Dial, 37:369; Gunton, 27:519; Lit. W. 35:374

**Spencer, Herbert.** Autobiography. 2v. Appleton \$5.50 n

Will live, by reason of its intellectual elements, and because it is the candid record of the life and thought of one who has made a great contribution to the intellectual history of the race.

*Bookman*, 19:388

Ath. 1904, 1:583; Dial, 36:288; Nation, 79:35; Spec. 92:810



*c* **Thackeray, W: M.** Letters to an American Family.

Century \$1.50 n

4-17699 Reveals a kindly personality, bubbling over with gaiety, sparkling fun and badinage. Written during and after his American lectures. Drawings by author.

4-7846 *Thackeray*, Pott 75c. like other *Bookman Biographies* is valuable for number and excellence of illustrations; the accompanying essays by G. K. Chesterton and Lewis Melville are very fragmentary. Acad. 67:335; Ath. 1904, 2:550; Dial, 38:187; Spec. 92:257

*c* **Titian. Gronau, Georg.** Titian and his School. (Lib. of Art) (Duckworth 7/6 n) Scribner \$2 n

5-4542 Clear picture of the artist and the man, with up to date attributions. Bibliography. annotated catalogue of paintings, 54 halftone plates. Best popular handbook. *Athenaeum*, 1904, 2:355 Acad. 67:389; Bookman, 20:556; Dial, 38:322; Sat. R. 99:20

**Vambéry, Arminius.** The Story of my Struggles. 2v. Dutton \$5 n

5-4476 Vambéry is (1905) an eminent Hungarian traveler, linguist and political student. A record of extraordinary adventures in Asia and of friendships with many distinguished people. Contains much valuable information on Eastern question. *Pittsburgh* Ath. 1904, 2:689; Contemp. R. 87:143; Dial, 38:267; Nation, 80:295

#### FICTION

*See also* Juvenile, p. 536

**Adams, Andy.** A Texas Matchmaker. Houghton \$1.50

4-9634 Leading character an old cattleman living in semifederal manner  
3-12817 on a Texas range. Story told by hero of *The Log of a Cowboy*. Dial, 37:41; Lit. W. 35:201

**Brown, K. H.** Diane: a Romance of the Icarian Settlement on the Mississippi River. Doubleday \$1.50

4-30145 A composite of the French communistic experiment and the workings of the Underground Railroad in 1856 forms background of love tale. Acad. 68:128; Ath. 1905, 1:237; Nation, 79:528; Sat. R. 99:280

*c* **Churchill, Winston.** The Crossing. Macmillan \$1.50

4-11535 Pictures sweeping of civilization across the Alleghanies and settlement of Mississippi valley. Hero's love story subordinated to history of times. Ath. 1904, 2:266; Critic, 45:187; Dial, 37:38; Nation, 79:121; Spec. 93:124

**Conrad, Joseph & Hueffer, F. M.** Romance.

McClure \$1.50

4-10852 Breathless adventures among Cuban pirates and buccaneers, 100 years ago. Dial, 37:37; Nation, 79:121; Sat. R. 97:209; Spec. 92:21

*c* **Conrad, Stephen, pseud.** (Stephen Conrad Stuntz). The Second Mrs Jim. Page \$1

4-14153 Unpretentious tale, rather humorously told in first person by a cheerful, tactful, middle-aged woman who marries a well to do farmer with two boys. Lit. W. 35:201



- b* **Daskam, J. D.** (*Mrs Selden Bacon*). *Memoirs of a Baby.* Harper \$1.50
- 4-9116 Gently satirizes modern methods of child rearing and demonstrates the average baby's ability to maintain its individuality.  
Bookman, 19:395
- a* **Duncan, Norman.** *Doctor Luke of the Labrador.* Revell \$1.50
- 4-31009 Life of Labrador fisher folk. Though it can not but recall the work of the missionary physician Dr Grenfell, the hero in no sense represents him.  
Critic, 45:473; Nation, 80:91
- a* **Glasgow, E. A. G.** *The Deliverance: a Romance of the Virginia Tobacco Fields.* Doubleday \$1.50
- 4-1646 Caretully written romance of Virginia since the Civil War, in which class pride, revenge and love are the developing forces.  
Bookman, 19:73; Critic, 44:375; Dial, 36:119; Lit. W. 35:48; Nation, 78:234
- c* **Gordon, C: W:** "*Ralph Connor*" *pseud.* *The Prospector: a Tale of the Crow's Nest Pass.* Revell \$1.50
- 4-35335 Trials and triumphs of a muscular young missionary among cow-boys and fortune hunters of Canadian Far West.  
Acad. 67:659; Ath. 1905, 1:43; Spec. 94:57
- Grant, Robert.** *The Undercurrent.* Scribner \$1.50
- 4-27986 Discusses divorce. Favors decision of remarriage question on merits of individual cases, giving claims of personal happiness high value. Paul Bourget's *A Divorce*, Scribner \$1.50, shows that, even though the marital tie be legally broken, no complete escape from it is possible for a woman whose first husband still lives.
- 4-35727
- c* **Harland, Henry,** "*Sidney Luska*" *pseud.* *My Friend Prospero.* McClure \$1.50
- 4-2143 A real princess, a young nobleman, a fairy godmother and a naïve, delightful child play out a diverting comedy against a sunny Italian landscape.
- c* **Hawkins, A. H.** "*Anthony Hope*" *pseud.* *Double Harness.* McClure \$1.50
- 3-32406 Story of the misunderstandings, wrongs and unhappiness of six married couples in English society.  
The lesson of the tale is that marriage need seldom be a complete failure, though it is seldom a brilliant success. *Spectator*, 93:364  
Ath. 1904, 2:344; Bookman, 20:363; Dial, 37:313
- a* **Herrick, Robert.** *The Common Lot.* Macmillan \$1.50
- 4-24576 Study of a young Chicago architect's temptation to yield his ideals to the lures of commercialism and greed. First published in *Atlantic*.  
Bookman, 20:220; Dial, 37:311; Nation, 79:380



**Hewlett, Maurice. The Queen's Quair.**

Macmillan \$1.50

- 4-12092 The six years between Mary Stuart's departure from France and the night she rode a prisoner from Holyrood to Lochleven.

*Nation*, 79:14

As portraiture, a piece of extraordinarily fine and subtle drawing. The style of writing is soaked in the hardy roughness of the time. *Saturday Review*, 98:53

Acad. 66:684; Spec. 93:21

**Housman, Laurence. Sabrina Warham, the Story of her Youth.**

Macmillan \$1.50

- 4-21731 Story of English coast, of cruel seas, quiet downs and smiling farmsteads. As the landscape, so the figures, lurid, grave, homelike.

*Nation*, 79:440

Reminiscent of Thomas Hardy at his best.

*Saturday Review*, 98: sup. Oct. 15, p. 3

Spec. 93:601

**b Howells, W: D. Son of Royal Langbrith.**

Harper \$2

- 4-27128 Presents a delicate moral problem, involved in suppression of truth about a man unworthy the respect paid him after death. Scene a New England town.

Bookman, 20:372; Critic, 46:184; Dial, 37:310; *Nation*, 79:419; Spec. 92:22

**b Jordan, Elizabeth. May Iverson—her Book.**

Harper \$1.50

- 4-29183 Convent school stories in the manner of a girl of 14 with literary ambitions. Blends cleverly childish frankness, conscious effort and gush.

Critic, 45:571; Lit. W. 35:381

**a Kelly, Myra. Little Citizens.**

McClure \$1.50

- 4-29195 A New York school teacher's stories of her East side Jewish charges. Human nature and American Yiddish dialect are alike faithfully rendered.

Acad. 66:336; Lit. W. 35:327; *Nation*, 80:379**King, Basil. The Steps of Honor.**

Harper \$1.50

- 4-9500 Plot concerns a young Harvard instructor guilty of plagiarism.

**Kipling, Rudyard. Traffics and Discoveries.**

Doubleday \$1.50

- 4-27127 Characteristic short stories dealing with South African War, navy, army reform and the supernatural. Each story preceded by a poem embodying theme.

Bookman, 20:155; Critic, 45:472; *Nation*, 79:379; *Ath.* 1904, 2:476; Spec. 93:556

**c Kirk, Mrs Ellen (Olney). "Henry Hayes" pseud. The Apology of Ayliffe.**

Houghton \$1.50

- 4-21723 Love affairs of a young New York girl brought up by four aristocratic elderly aunts.



**Lane, E. M.** *Nancy Stair.* Appleton \$1.50

- 4 Love story of a beautiful Scotch girl of noble blood, saucy wit and a poetic gift which she dares try with Robert Burns.

Bookman, 19:600; Dial, 37:41; Lit. W. 35:201

**Lincoln, J. C.** *Cap'n Eri: a Story of the Coast.*

Barnes \$1.50

Story of three jolly retired Cape Cod sea captains, forced into matrimony to escape the hardships of their own housekeeping.

*Pittsburgh*

Bookman, 19:511; Dial, 36:369

**Lloyd, Nelson.** *Soldier of the Valley.* Scribner \$1.50

- 9 Pictures simple country life, love affairs, and affection between two brothers. Hero a young man returned crippled from Spanish War.

Ath. 1904, 2:802; Lit. W. 35:331

**Martin, H. R.** *Tillie: a Mennonite Maid.*

Century \$1.50

Quaint story of an attractive Pennsylvania Dutch girl, whose aspirations rise above her sordid surroundings through the influence of her teacher, a Kentucky gentlewoman.

Critic, 45:190; Dial, 36:373

**Michelson, Miriam.** *In the Bishop's Carriage.*

Bobbs-Merrill \$1.50

Heroine an adroit thief who becomes a morally respectable vaudeville actress. A clever picaresque, unmoral perhaps, but not immoral since it never blurs distinction between right and wrong.

Bookman, 19:303; Acad. 67:615; Critic, 45:184.

*b* **Mitchell, J. A.** *Villa Claudia.* Life Pub. Co. \$1.50

- 7 A light story for an idle hour, but of marked literary quality, pervaded by a supernatural element and a haunting moral. Leading characters modern Americans in one of Horace's villas.

Critic, 45:184; Lit. W. 35:169

*b* **Mitchell, S. W.** *The Youth of Washington told in the Form of an Autobiography.* Century \$1.50

- 3 A triumph of pseudo-autobiography, based on long and careful study of its subject and interweaving so skilfully Washington's own words that absolute fact and scarcely less truthful fiction are inseparable.

Arena, 32:669; Acad. 68:63; Critic, 46:283

**Rickert, Edith.** *The Reaper.*

Houghton \$1.50

- 5 Tale of toil, peril, self-sacrifice and love among the rugged crofter fishermen of the Shetland isles.

Bookman, 20:365; Nation, 79:420

**Roberts, C. G. D.** *Prisoner of Mademoiselle.*

Page \$1.50

- 3 Love tale of Acadia, in which an English officer becomes prisoner of French governor's niece.

Acad. 68:14; Sat. R. 98:802



- Robins, Elizabeth, "C. E. Raimond" pseud.** *The Magnetic North.* Stokes \$1.50
- 4-6736 Tale of unsuccessful gold seekers in the Klondike. Grim, gaunt, vivid and interesting.  
Ath. 1904, 1:399; Dial, 37:39; Spec. 1904, 1:459
- c* **Seton, Ernest Thompson.** *Monarch, the Big Bear of Tallac.* Scribner \$1.25 n
- 4-27989 Evolution from an affectionate and mischievous little household pet into the mysterious and ruthless sheep killer of Tallac.  
Dial, 37:374
- Shafer, S. A.** *Day before Yesterday.* Macmillan \$1.50
- 4-4978 Lifelike records of a group of children in a quiet, old-fashioned western village, a generation ago. Main appeal to adults.  
Dial, 36:372; Sat. R. 98:276
- c* **Sinclair, May.** *The Divine Fire.* Holt \$1.50
- 4-25675 Hero, an obscure London poet, overcomes cockney breeding, sordid surroundings and strong passions through the inspiration of a well born young Englishwoman whom he loves. Second printing on better paper than first.  
Bookman, 20:553, 21:66; Critic, 46:183; Nation, 79:419; Spec. 93:1089.
- Sinclair, Upton.** *Manassas.* Macmillan \$1.50
- 4-23761 Less a novel than a history. Traces causes of Civil War as far back as Mexican War, and closes with battle of Bull Run.  
Dial, 38:15; Lit. W. 35:327; Nation, 79:441.
- Strang, Herbert.** *The Light Brigade in Spain.* Putnam \$1.50
- 5-11900 Adventure during Sir John Moore's retreat on Corunna and battle of Saragossa. Good reading for boys, distinctly above Henty grade. English title: *Boys of the Light Brigade.*  
Spec. 93:872
- a* **Thurston, K. C.** *The Masquerader.* Harper \$1.50
- 4-28203 John Chilcote M. P., secretly a slave to morphia, secures a physical double, strong willed and clean lived, to substitute during his lapses. Impossible but absorbing.  
Ath. 1904, 2:546; Bookman, 20:553; Critic, 45:572; Dial, 38:18; Nation, 79:380
- Truscott, L. P.** *The Mother of Pauline.* Appleton \$1.50
- 4-17924 Problem story concerned with the acknowledgment of an illegitimate child. Wholesome in tone and treatment.  
Bookman, 20:58; Dial, 37:42; Lit. W. 35:258
- Waller, M. E.** *The Wood-carver of 'Lympus.* Little \$1.50
- 4-8582 Love idyl of the Green mountains. An ambitious farmer crippled in early manhood finds interests in the outside world through a chance acquaintance, and becomes a wood carver of renown.  
Dial, 36:372; Lit. W. 35:168; Nation, 78:395.



**White, S. E:** Blazed Trail Stories and Stories of Wild Life. McClure \$1.50

Vivid, rapid tales of the rough and lawless life of ranch and lumber camp in the great Northwest.

Bookman, 20:219; Nation, 79:420

*b Whitney, Mrs A. D. T.* Biddy's Episodes.

Houghton \$1.50

*b* An ideal old maid tells of a young girl's efforts to lead a sensible, useful life, instead of following her stepmother's round of fashionable dissipation.

Lit. W. 35:379

**Wiggin, Mrs K. D. (Smith) (Mrs Riggs) & others.**

The Affair at the Inn.

Houghton \$1.25

*b* Love comedy, following chance meeting at Dartmoor inn. Written in first person, each author responsible for one character.

Bookman, 20:374; Spec. 93:903

*b* **Woman Errant (The);** being Some Chapters from the Wonder Book of Barbara, the Commuter's Wife.

Macmillan \$1.50

*b* Barbara's pleas for simple, wholesome living are telling and delightful and a less lurid and more truthful background would have furnished more effective contrast.

Bookman, 20:59; Current Lit. 37:237; Dial, 37:41; Nation, 79:121

**Wright, M. T.** The Test.

Scribner \$1.50

The test is involved in the attitude of parents, grandparents and others toward a child born out of wedlock. Well written, restrained, on high moral plane.

Bookman, 20:58; Dial, 36:370

*a* **Young, R. E.** Henderson.

Houghton \$1.25

The Difficult Minute; The Life on the Table; The Rose-red Glow; The Trail of the Tangler; The Way of the Strong; The Beginning.

Connected stories, all but one previously published in *Atlantic*. Central figure a surgeon of high ideals.

Bookman, 19:299; Lit. W. 35:73

#### JUVENILE BOOKS

*c* **Hodges, George.** When the King Came: Stories from the Four Gospels.

Houghton \$1.25

*b* Tells the Gospel story with fine simplicity. Has been tested by 10 years' home use with children.

*c* **Grover, E. O.** Art Literature Readers. 9v. v.1, Primer; v.2, Book 1. (Art Lit. Readers)

Atkinson 30c ea.

Uncommonly successful child's readers. Each contains about 40 excellent reproductions of paintings, well chosen, generally having strong human interest. The easy text, original or selected, fits the pictures.

**Wiley, Belle & Edick, G. W.** Lodrix, the Little Lake Dweller.

Appleton 30c

*b* A little boy's adventure in prehistoric times. Simple language, large type, drawings which illustrate conditions.



- 398.2 Kennedy, H. A.** New World Fairy Book. Dutton \$2  
 5-7732 - Mainly Indian legends told by an Indian chief on a northern reservation, to the little son of the English teacher. Well illustrated by drawings.  
 Spec. 93:771
- 398.4 Williston, T. P.** Japanese Fairy Tales Retold.  
 Rand 75c  
 The Wonderful Tea-kettle, The Wood-cutter's Saké and six other Japanese folk tales with Japanese colored illustrations.
- 550 Fairbanks, H. W.** Stories of Rocks and Minerals for the Grammar Grades. Educ. Pub. Co. 60c  
 "Stories" is somewhat misleading. Directly instructive, in simple style. Will assist children in observing earth structure and identifying minerals. Illustrations helpful though rather poorly executed.
- 551.48 Parker, F. W. & Helm, N. L.** A River Journey. (Uncle Robert's Geography) Appleton 60c n  
 4-16184 Fourth and last of series. During a summer excursion the Leonard boys study earth structure and effects of physical forces.
- 599.3 Morley, M. W.** Little Mitchell: the Story of a Mountain Squirrel. McClurg \$1.25  
 4-10957 About a tame and playful squirrel found when a tiny baby in the North Carolina forests and carried to Boston to live:
- 599.7 a Carter, M. H. ed.** Bear Stories retold from St Nicholas. (Animal Stories) Century 65c n  
 4-21576 Stories, sketches and verses by W. S. Hornaday, C. F. Holder, Tudor Jenks, Bret Harte, R. E. Peary, E. W. Kemble and others. All of this series interest children, and though the stories are uneven in merit, they average high. Other titles: About Animals;  
 4-21890-94 Cat Stories; Lion and Tiger Stories; Panther Stories; Stories of Brave Dogs.
- 600 Lane, M. A. L. ed.** Industries of To-day. (Youth's Companion Ser.: The World's Progress Readers) Ginn 40c  
 4-3366 Cod fishing, ranch life, peanut, cranberry and raisin culture, ice harvesting and manufacture, how matches, pins and fireworks are made, etc.
- 716 a Duncan, Frances.** Mary's Garden and How It Grew. Century \$1.25  
 4-30612 Gives in simple, clear language the story of a child's labors over her garden from December to November, with enough practical information and illustrations to make it a valuable textbook.  
 Nation, 79:485  
 4-23694 Miller's illustrated *Children's Gardens for School and Home*, Appleton \$1.20, includes flowers, shrubs, trees, soils, pests, etc., and is useful to teachers and parents.  
 Duncan, Nation, 79:485



- 790 *c* Beard, Lina & A. B. Indoor and Outdoor Handicraft and Recreation for Girls. Scribner \$1.60 n
- 4-28423 Weaving, twine work, basketry, paper flowers, clay-modeling, Easter, May day and Hallowe'en games, parlor magic, finger plays, etc.
- 799 Holder, C: F: The Boy Anglers. Appleton \$1.50
- 4-28221 Fishing adventures in company with an expert angler in California, Canada, Gulf of Mexico, Pacific and Atlantic oceans. Much information about fish, tackle and fishing grounds. Illustrated.
- 808.8 Hazard, Bertha, *comp.* Three Years with the Poets. Houghton 50c n
- 4-32299 Poems to be memorized by children in grades 1-3. Chosen with recognition of child's interests and capacity; arranged by months.
- 4-12084 Clear, good-sized type. Miss M. E. Burt in her *Poems that Every Child Should Know*, Doubleday 90c n., sometimes challenges opposition by didactic statements of opinion, but her selection is interesting and valuable for somewhat older children.
- 818.4 Gerson, Virginia. The Happy Heart Family. Fox \$1 n
- 4-24475 Picture story, quite unliterary, but possessing a kind of fancy and unexpectedness in text and illustration which young children like. Critic, 45:575; Nation, 79:484
- 916.8 Bicknell, L. M. How a Little Girl Went to Africa. Lee \$1
- 4-11220 Journey and experiences of little daughter of American missionary among Zulus, related by herself in simple interesting style.
- 919 Carpenter, F. G: Australia, our Colonies and other Islands of the Sea. (Carpenter's Geog. Reader) Amer. Bk Co. 60c
- 4-7722 Personally conducts children through chief islands of world giving excellent idea of people and resources. Maps and illustrations.
- 919.8 *c* Peary, R. E. & M. A. (The Snow Baby). Snowland Folk. Stokes \$1.20
- 4-29196 True stories told by Lt. Peary and his little daughter about people and animals of the frozen North. Many photographic illustrations.

## JUVENILE BIOGRAPHY

- Beethoven.* Hoffmann, Franz. Ludwig Van Beethoven; tr. by G: P. Upton. (Life Stories for Young People) McClurg 60c n
- 4-31601 Series includes also Hoffmann's *Mozart's Youth*, Henning's *Maid of Orleans* and Schmidt's *William Tell*.
- 4-31600 These narratives have been well calculated for youthful minds past infancy and Mr Upton's version is easy and idiomatic.
- 4-32320 *Nation*, 79:334
- Dial, 37:381



**b McDougall, Isabel.** *Little Royalties: Stories about the Children of the Rulers of Europe.* Revell \$1.25

4-22902 Well founded, biographic stories of Edward 6, Richard 2's child wife, the great Napoleon's little son, Matilda of Germany, empress at 12, the Tower princes and other royal children. Illustrated from paintings.

#### JUVENILE FICTION

**Baldwin, Mrs A. A.** *The Pedlar's Pack.* Lippincott \$2

The Giant's Baby, Princess Petunia and the Fairy Grimbona, Carl and Carlo, The Youngest Son, and other remarkably well told modern fairy tales.

Acad. 67:559; Sat. R. 98: sup. Dec. 17, p. 7; Spec. 93:874

**Brown, A. B.** *The Flower Princess.* Houghton \$1

4-24500 *Contents:* The Flower Princess; The Little Friend; The Mermaid's Child; The Ten Blowers.

**b French, Allen.** *The Story of Rolf and the Viking's Bow.* Little \$1.50

4-24565 Inspired by and in some degree based on the Icelandic sagas. Courage, self-control, patriotism, perseverance, are the qualities developed in the young hero.

**c Grinnell, G. B.** *Jack in the Rockies.* Stokes \$1.25

4-26873 Adventures of two boys and an old woodsman with a pack train in Yellowstone Park. Follows *Jack among the Indians.*

**Huntington, H. S. pseud.** *His Majesty's Sloop Diamond Rock.* Houghton \$1.50

4-28417 Diamond Rock guarded the port of Fort de France, Martinique. Story tells of English defense and final surrender to French fleet. Nation, 79:527

**c Lorenzini, Carlo, "C. Collodi" pseud.** *The Adventures of Pinocchio.* Ginn 60c

4-22857 Capers and wonderful adventures of a wooden marionette; translated from Italian. Well illustrated by Charles Copeland. Dial, 37:380; Nation, 79:485

**a Musset, Paul de.** *Mr Wind and Madam Rain.* Putnam \$2

Fairy tale founded on old Breton legends. Excellent drawings. First published about 1860 and well worth reprinting.

**a Pier, A. S.** *Boys of St Timothy's.* Scribner \$1.25 n

4-24578 Football, hockey, baseball, rowing, running, tennis, and debating contests. Independent but connected school stories, making for manliness, vigor and character. Lit. W. 35:380

**Potter, Beatrix.** *The Tailor of Gloucester.* Warne 50c

3-26374 Tale of a good little man befriended by talking mice. It echoes so skilfully the manner of the true folk tale as to leave the reader in doubt. 26 charming colored pictures. Ath. 1903, 2:648



- Quirk, L. W.** *Baby Elton, Quarter-back.* Century \$1.25  
 4-27672 Story of college athletics, making for manliness and moral courage.
- Rankin, C. W.** *Dandelion Cottage.* Holt \$1.50  
 4-32150 Four well characterized little girls adopt an abandoned house and fit it up as a playhouse.
- b* **Richards, Mrs L. E. (Howe).** *The Merryweathers.*  
 (Three Margarets and Hildegarde Ser.) Estes \$1.25  
 4-18777 Doings of sons, daughters, cousins and friends at the Merryweather summer camp on a Maine lake.
- Richards, Rosalind.** *The Nursery Fire.* Little \$1.50  
 4-27867 The Party, The Hammock Ship, The Mumps Circus, The Ogre's Tablecloth and other short stories for younger children.
- c* **Rood, H: E:** *In Camp at Bear Pond.* Harper \$1.25  
 4-31052 Boys' good times in Pennsylvania mountains. They encounter wild animals and discover Indian remains.
- Taggart, M. A.** *The Little Grey House.*  
 McClure \$1.25  
 4-25104 Story of three nice girls, their friendships and brave struggle against adverse circumstances.



## COMPARATIVE TABLE OF BOOKS PUBLISHED IN 1904

These statistics are based on lists prepared according to varying classifications and methods. The figures should therefore be regarded as only approximate. See paper on Relative Book Production by Dr E. C. Richards in *Publisher's Weekly*, 57:805, and abstract in *Public Libraries*, 5:192.

1904	United States	Great Britain	a German	Frost
Religion and philosophy.....	775	666	3 213	95
Sociology.....	336	775	b 4 212	65
Law .. . . . . .	614	103	.....	67
Education. . . . .	628	c 836	d 4 218	1 21
Science, useful arts, fine arts.....	916	532	4 938	1 1
Medicine and hygiene.....	278	219	1 989	1
Literature . . . . .	762	220	ce 5 682	
Poetry and drama. . . . .	538	407	.....	
Fiction and juvenile... ..	2 240	2 548	.. . .	
History, biography, travel. . . . .	1 034	942	2 548	
Miscellaneous.....	170	1 086	1 578	
Total .....	8 291	8 334	28 378	6

a Includes pamphlets and leaflets issued by universities. b Includes law. c Includes philology. d Includes juvenile. e Includes drama and fiction. f Includes theater.



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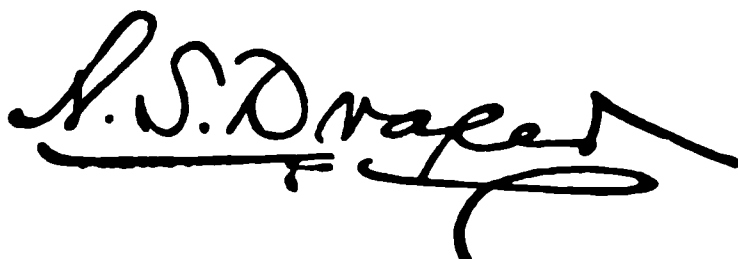
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*Commissioner of Education*



ABBREVIATIONS

States and territories

Ala.	Alabama	Neb.	Nebraska
Ari.	Arizona	Nev.	Nevada
Ark.	Arkansas	N. C.	North Carolina
Cal.	California	N. D.	North Dakota
Col.	Colorado	N. H.	New Hampshire
Ct.	Connecticut	N. J.	New Jersey
Del.	Delaware	N. M.	New Mexico
Fla.	Florida	N. Y.	New York
Ga.	Georgia	O.	Ohio
Ia.	Iowa	Okl.	Oklahoma
Id.	Idaho	Or.	Oregon
Ill.	Illinois	Pa.	Pennsylvania
Ind.	Indiana	R. I.	Rhode Island
Kan.	Kansas	S. C.	South Carolina
Ky.	Kentucky	S. D.	South Dakota
La.	Louisiana	Tenn.	Tennessee
Mass.	Massachusetts	Tex.	Texas
Md.	Maryland	U.	Utah
Me.	Maine	Va.	Virginia
Mich.	Michigan	Vt.	Vermont
Minn.	Minnesota	W. Va.	West Virginia
Miss.	Mississippi	Wash.	Washington
Mo.	Missouri	Wis.	Wisconsin
Mon.	Montana	Wy.	Wyoming

Compilations of statutes

Ann. L.	Annotated laws	Crim. S.	Criminal statutes
Ann. S.	Annotated statutes	G. L.	General laws
C.	Code	G. S.	General statutes
C. C.	Civil code	P. C.	Political code
C. C. P.	Code of civil procedure	P. S.	Public statutes
C. L.	Compiled laws	Pen. C.	Penal code
C. P.	Code of procedure	R. C.	Revised code
C. S.	Compiled statutes	R. L.	Revised laws
Crim. C.	Criminal code	R. S.	Revised statutes
Crim. P.	Code of crim. procedure	S.	Statutes

Acts    Resolves

art.	article	pt	part
c. r.	concurrent resolution	r.	resolve
ch.	chapter	subdiv.	subdivision
j. r.	joint resolution	t.	title

Law reports

A.	Atlantic Reporter	S. E.	Southeastern Reporter
N. E.	Northeastern Reporter	S. W.	Southwestern Reporter
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P.	Pacific Reporter		



# New York State Library

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Bulletin 97 Legislation 25

## REVIEW OF LEGISLATION 1904

Oct. 1, 1903—Sep. 30, 1904

EDITED BY

Robert H. Whitten *Sociology Librarian*

### NOTES

#### PROPOSED WORK IN COMPARATIVE LEGISLATION

The following is a report made by Robert H. Whitten, chairman of the committee on comparative legislation of the American Political Science Association at its Chicago meeting in December 1904:

It is important at the start to delimit as clearly as possible the scope of the work of the committee on comparative legislation. This committee it is expected will become a permanent section of the American Political Science Association. Its scope must therefore be clearly defined in relation to other committees or sections—administration, jurisprudence, politics etc.

In the first place it seems clear that we should promote the comprehensive organization of the material of comparative legislation by means of compilations, digests, indexes and comparative studies of every kind. This is a broad and most important field of usefulness and its cultivation is doubtless our nearest duty.

Shall we in addition attempt to discuss and study specific problems in legislation—ballot laws, factory regulation, municipal government, property and contract rights etc.? I think it is at once apparent that to do this is impractical—the field is too broad and we would be but duplicating work of other committees of this association, of the Economic Association and other organizations. What we can do however is to discuss and promote the study of principles and methods of legislation. Legislation can be profitably



studied in the same way that administration has been. There are principles and methods that are universally applicable to problems of legislation.

Specially is there need for the scientific study of methods of accomplishing the legislative purpose. Direct commands and prohibitions even though accompanied by the most drastic penalties are for most purposes inadequate. Many devices and expedients have been evolved by which the legislative intent can be more easily and effectively carried out. It is for example not sufficient in order to prevent bribery in elections, to make it a crime punishable by fine and imprisonment. If prevented at all it must be by some indirect method, such as an absolutely secret ballot, disfranchisement of stay at homes or audit and publicity of campaign funds. The lawmaker should have at his command all the expedients which the experience of states and nations have shown to be useful and select the one that is best suited to the purpose at hand. He may find a device in liquor legislation that can be adapted to his purposes in tenement house regulation, or in banking legislation that may be used to correct some monopoly evil.

Much as men, engaged in perfecting legislation on a particular subject, can gain from personal contact and discussion with men of other states engaged in the same problems, I think that they can in many cases gain as much or more from similar contact with the men engaged in solving other problems of legislation. This I take it should be one of the main purposes of our comparative legislation conferences—the bringing together of the men most intimately connected with the perfecting of legislation in different lines and the discussion of principles of lawmaking. We should for example discuss at these conferences publicity as a means of legislative regulation, its varied forms, its advantages and limitations, and in like manner uniformity, registration, examination, licensing, inspection, education and many like devices for accomplishing the legislative intent. This is a fertile and as yet practically unexplored field.

Again it will be our function to study and discuss the effect of precedent, imitation, invention and environment, on the enactment of statutes. Though till we have much more minute and thorough comparative and historical studies little can be accomplished in this direction, its development is of the greatest importance.

The great interest in and demand for more uniform legislation in almost all subjects of administrative and private law makes desirable the careful consideration of the general principles involved.



Our conferences should afford an opportunity for the discussion of the advantages and limitations of uniformity, the kind of legislation in which it is highly desirable and the kinds in which it is undesirable or impracticable.

In legislative organization, methods and procedure, we clearly have a profitable field for discussion and study. Questions of representation, sessions, committees, bill drafting, expert assistance and special legislation afford interesting subjects for research and conference.

Legislation as a subject for comparative and methodical study is a most promising field and one that ought to appeal strongly to Americans. With 52 legislatures, state, territorial and national in the United States we find the opportunity and need for just this work. A fuller knowledge of comparative conditions, of methods of law evasion, of methods of effectively accomplishing the legislative intent, and of improved methods of legislative procedure, is bound to have far-reaching results.

Turning again to the organization of the material of comparative legislation, what should be our program? We should outline the necessary work of indexing, digesting and compiling, and actively promote its undertaking by government departments, institutions or individuals. Several departments of the national government are already doing extensive work in the legislation in their particular fields. This is notably true of the Department of Agriculture, the Bureau of Education, the Bureau of Labor and the Bureau of Corporations.

1 **Cooperation of government departments.** For each important subject of legislation, as labor, charities and corrections, education, taxation, transportation etc. there should be some institution or government department that would undertake to act as a center for comparative and historical investigation within the field, and would prepare and keep up to date, a compilation or digest of the laws of the subject. In this way almost the entire field of comparative state legislation might be covered.

2 **Annual or biennial reviews of the legislation of each state.** A bulletin should be issued soon after the close of each session in each state giving a critical review of enactments and also of important bills that fail to become laws, showing the reasons for acts, the evils proposed to be cured thereby and the various interests urging and opposing them. These bulletins will give to students the information necessary to an understanding of the real meaning of acts and will be specially helpful to contributors to the annual Review of



Legislation published by the N. Y. State Library, rendering possible a much more complete and scientific comparative review than is at present practicable.

3 **Advance sheets of session laws.** With increasing interest in comparative state legislation, the existing delay in publishing session laws becomes more and more troublesome. People in all parts of the country are interested in securing promptly copies of important laws passed by the various Legislatures. In Connecticut, New York and Pennsylvania, each act is printed in separate form as soon as signed and many European states follow this plan. The Pennsylvania act [’01 ch.289] provides that the secretary of state shall have each act printed within 10 days of its approval by the governor. A movement to secure advance publication by all the states has received approval of the National Association of State Librarians and of the conference of Commissioners for Promoting Uniform Legislation. We should I think give this movement our hearty support.

4 **Compilation and digest of state Constitutions.** Much as the organic laws must be consulted, there is at present no up to date compilation or digest of the various state Constitutions. Since 1890 nine new Constitutions and 252 amendments to existing Constitutions have been adopted. The need for a reliable compilation and digest is therefore very great. Possibly one of the national departments could be induced to supply this want.

5 **Bibliography of legislation.** Such a bibliography should include selected annotated lists of the most important material on each subject of legislation. The list for each subject should include references to existing comparative studies, to the best description of conditions in each state, to the best printed bibliographies of the subject and to a few of the best theoretical and general treatises. The preparation of such lists must almost necessarily be a cooperative undertaking and it is believed that this committee could most successfully organize the work.

6 **Index of state legislation 1776–date.** A complete index of state and territorial legislation is an almost indispensable aid to research in American economic, political, social or legal history. Thorough work in any of these lines at present requires an examination of all the statutes of all the states. Take, for example, the historical investigation of the questions of election. To trace the development of laws relating to suffrage, nominations, corrupt practices, ballots, secrecy etc., requires a detailed examination of the statutes of each state. With a comprehensive index giving exact references



chronologic order to all laws and amendments in each state on these subjects, the work of the investigator would be decreased immensely. In fact there is scarcely a subject in American political, economic, social or legal history that does not involve an examination of state statutes. Nothing would do more to promote historical research in all branches of social science than the proposed index.

In compiling this index opportunity would be afforded also for a careful statistical study of the increase in the volume and number of statutes enacted; of local and private acts, their number and character; of the effect on the volume of legislation of restricting the duration and number of legislative sessions and of prohibiting special legislation.

The student of comparative legislation would find in such an index an excellent means of studying the influence of precedent, imitation, invention and environment on the enactment of statutes. Studies that show merely a cross-section of existing law in the various states are of course not nearly so valuable a contribution to comparative legislation as those presenting the solid section—historical and comparative.

This project is one involving great labor and expense but it is so one of such great and fundamental importance that its undertaking can be quite confidently predicted.

**7 Index of foreign legislation.** The librarian of Congress has included in recent estimates a recommendation for an appropriation to carry on this work at the National Library. Such an index will open for comparative study a great and to American students most unexplored field. At present it is almost impossible to make in this country a comparative study of the laws of foreign countries. We should support most heartily this project for an index of foreign legislation.







*New York State Education Department*  
**New York State Library**

REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25a

**BIBLIOGRAPHIC NOTES ON SESSION LAWS, REVISIONS,  
AND CONSTITUTIONAL CONVENTION PUBLICATIONS**

Oct. 1, 1903 to Dec. 31, 1904

T. L. COLE, STATUTE LAW BOOK CO. WASHINGTON D.C.

**Session laws**

Sessions were held during the period covered (1 year and 3 months) beginning in the months stated (all in 1904 except as stated), and printed in the number of volumes stated, in the table following:

STATES AND TERRITORIES	REGULAR ANNUAL	REGULAR BIENNIAL	EXTRA OR SPECIAL	NO. OF VOLUMES
Georgia.....	June	.....	.....	1
Hawaii.....	.....	.....	April	1
Iowa.....	.....	January	.....	1
Kentucky.....	.....	January	.....	1
Louisiana.....	.....	May	Dec. 1903	2
Maryland.....	.....	January	.....	1
Massachusetts.....	January	.....	.....	1
Mississippi.....	.....	January	.....	1
Montana.....	.....	.....	Dec. 1903	1
New Jersey.....	.....	.....	Oct. 1903 <sup>a</sup>	1
.....	January	.....	April	1
New York.....	January	.....	.....	2
Ohio.....	.....	January	.....	1
Oregon.....	.....	.....	Dec. 1903	1
Porto Rico.....	January	.....	May	2
Rhode Island.....	January	.....	November	2
South Carolina.....	January	.....	.....	1
Vermont.....	.....	October	.....	1
Virginia.....	.....	January	1902-4 <sup>b</sup>	2
West Virginia.....	.....	.....	July	1
19 states.....	7	8	10	25

<sup>a</sup> This session is also issued as a separate pamphlet.

<sup>b</sup> The volume 1902-4 includes the extra session of July 1902 which was also included among those of 1902-3, in *Review of Legislation 1903*, p. a1.



**Revisions, compilations etc.**

Arkansas. Digest of Statutes (to 1903 inclusive) by William F. Kirby. 1904. iv. Official

Colorado. Supplement to Mills Annotated Statutes 1891 to 1903 inclusive. Rev. v.3. Ed. 2. 1904. iv. Unofficial

Florida. Revised Statutes (to 1903 inclusive) by C. F. Akers. iv. Unofficial

Hawaii. Revised Laws (to 1904 inclusive). iv. Official

Louisiana. Revised Laws (ed. 2 to 1902 inclusive) by Solomon Wolff. iv. Unofficial

Maine. Revised Statutes (5th revision) passed Sep. 1, 1903 and taking effect Jan. 1, 1904. 1904. iv. Official

Maryland. Public General Laws (to 1904 inclusive); codified by J. P. Poe. 1904. 2v. Authorized

New York. Unofficial:

Supplement to Cumming & Gilbert's General Laws and other General Statutes (1902-4 inclusive). v. 4.

Code of Civil Procedure; 23 chapters and amendments, 1904

Code of Civil Procedure by A. J. Parker jr. Ed. 4. 1904

Code of Civil Procedure, Criminal Procedure, Penal Code and Acts relating to Practice and General Laws; amendments of 1904; Mayer's plan; by A. J. Danaher. 1904

Code of Civil Procedure by J. C. Thompson. Ed. 29. 1904

Code of Civil Procedure of the State, as amended to the close of the legislative session of 1904 by G. Chase. 1904

Code of Criminal Procedure of the State. Rev. ed. 23. 1904

Code of Criminal Procedure of the State by Lewis R. Parker. 1904

Code of Criminal Procedure and Penal Code of the State by J. T. Cook. 1904

Penal Code and Code of Criminal Procedure by C. D. Rust. Ed. 18. 1904

Penal Code. Rev. ed. 23. 1904

Penal Code of State by Lewis R. Parker. 1904

Tennessee. Supplement to Shannon's Code (to 1903 inclusive). iv. Unofficial

Virginia. Code, as amended to adjournment of the General Assembly, 1904; ed. by J. G. Pollard. 1904. 2v. Authorized



### Constitutional conventions

No constitutional conventions have been held during the period covered—Oct. 1, 1903 to Dec. 31, 1904.

The question of holding a constitutional convention was rejected<sup>1</sup> by the people of Michigan and of Nebraska in November 1904, and was not submitted to the people of Idaho because not properly adopted by the Legislature.

In Connecticut, an amendment, which is substantially a revision of the present Constitution, is to be considered by the Legislature of 1905.

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<sup>1</sup>Incorrectly listed in Index of Legislation, 32c, 32d, as having been adopted.  
*Editor*







*New York State Education Department*  
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W OF LEGISLATION 1904

LEGISLATION BULLETIN 25C

**STATE GOVERNMENT, LAWMAKING AND ELECTIONS**

**E. MERRIAM PH.D. DEPARTMENT OF POLITICAL SCIENCE, UNIVERSITY OF CHICAGO**

**State government**

**Governor.** During the year 1904 only a few changes were made in the constitution of the office of governor. In Kansas ['03 p.5] a constitutional amendment was adopted extending the power of the executive to items of appropriation bills—a power which is now granted in 28 states. Governor Garvin strongly recommended the granting of the veto power in Rhode Island, but in one of the two states in which this power is still withheld, but no action was taken. The general tendency to increase the power of the executive was further exemplified in two states, Alabama ['03, p.32] and Georgia ['04 p.71], where an advance was made from \$3000 to \$5000 in each case. The new administrative officers and boards created were generally added to the list of the governor's appointments and contributed to the development of his authority. In a few points, however, there was a loss of prestige. In Louisiana [ch.137] the governor lost the right of appointing the judges of the Supreme Court and the power was transferred to the people. In Tennessee the attempt to increase the term of the governor from two to four years was defeated ['03 ch.532]. It is interesting to observe that Governors Blanchard of Louisiana and Kossuth of Mississippi unite in the recommendation that the appointing power of the executive should be reduced in favor of a popular election, while Governor Garvin of Rhode Island urges an increase in the appointing power.

**Minor offices.** Among the minor state officers the principal one noted is the general tendency to increase salaries and to increase the clerical force of the various departments. In Oregon it was provided that the state printer should henceforth be chosen by the state Legislature in place of the former system of popular election ['03 p.168]. In Tennessee, on the other hand, the proposition was to transfer the choice of secretary of state, treasurer and



required ['04 ch.9]. A Louisiana law ['04 ch.9] provides that the governor may suspend any officer in charge of public funds if, on being found in arrears and demand for settlement being made, he does not settle within 10 days. Another change of note is the Iowa requirement that all state boards and officials shall turn over to the state treasurer every month all fees received by them ['04 ch.7].

**Centralization.** The tendency toward centralization of state administration was evidenced during 1904 in the states of Louisiana and New York particularly. In Louisiana there was created a board of charities and corrections for the purpose of supervising state, parish and municipal institutions of a "charitable, eleemosynary, correctional or reformatory character." It is expressly stated, however, that the duties of this board are to be "strictly visitorial, without administrative or executive powers." In New York a very notable step was taken in the consolidation of the Department of Public Instruction and the University of the State of New York. The office of state commissioner of education was created to take the place of the former offices of superintendent of public instruction and secretary of the University and the duties and powers of the two departments combined. This is the climax in the series of centralizing measures which have attracted the attention of students of administration to the development in New York State.

The growth of administrative agencies for various purposes goes rapidly on, with no adequate development of civil service or of administrative centralization. Civil service would tend to curb the power of the party organization on its most dangerous side, and a system of centralization would make possible party responsibility; but neither of these movements is keeping pace with the development of the various branches of state government from year to year. In this respect, the state governments present a striking contrast to the federal government and to our city governments, where centralization of responsibility and the reform of the civil service are making rapid progress.<sup>1</sup>

### Lawmaking

**Constitutional amendments.** During the year 1904 no constitutional conventions were held. In Michigan and Nebraska propositions for conventions were submitted to the people and

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<sup>1</sup>See Governors' Messages, 46b.



**rejected.**<sup>1</sup> In Connecticut a revision of the Constitution was **passed** by the Legislature and referred to the Legislature of 1905.

**A** great number of changes were attempted or effected by means **of** special amendments. In all no less than 73 amendments **were** voted on, and of these 42 were adopted and 31 rejected.<sup>2</sup> In **some** of the states the number of propositions submitted was very **large**, as in Louisiana where there were 15 different questions **before** the people, in Florida 8, in Tennessee 7 and in California 6. **Twenty-four** amendments were passed by Legislatures and referred **to** the next session. There were also seven amendments passed **by** Legislatures and are now awaiting the verdict of the electorate.

Of the amendments adopted, the majority were concerned with **the** subjects of taxation and finance, the judiciary and the **Legislature**. Some 17 of the amendments centered around questions **of** taxation and finance; 6 affected the election of judges or the **jurisdiction** and procedure of the courts; 5 touched the organiza-**tion** of the legislative body or the mode and limits of its activity.

**Legislature.** The size of the state Legislature was affected by **action** in several cases. In Iowa ['04 p.208] the limit of House **membership** was increased from 100 to 108, and in Georgia ['04 p.48] the limit was raised from 175 to 183. Rhode Island referred **to** the Legislature of 1905 an amendment increasing the number **of** representatives from 72 to 100. The same amendment pro-**vides** for the division of towns and cities into representative dis-**tricts**, and increases the maximum number of representatives per-**mitted** any city or town from one sixth to one fourth of the total **number** ['04 ch.13].

Reapportionment acts were passed in Indiana, Iowa and Georgia. The Indiana law ['03 ch. 206] was, however, declared unconstitu-**tional** in the case of *Brooks v. State* [70 N. E. 980] because of the **gross** inequality in the population of the various districts. The **court** declared that "an apportionment which gives, or is intended **to** give, to one political party or another, a decided and unfair **advantage** in the election of members of the General Assembly, **where** such disparity can be avoided, must for that reason be **condemned.**"

The salary of members of the Legislature in Ohio ['04 p.316] **was** raised from \$600 to \$1200. So low are the salaries of legislators **that** this advance places Ohio third in rank, only New York and

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<sup>1</sup> Though the votes for a convention greatly exceeded those against, they failed to receive a majority of all the votes cast at the election as required by the constitutions of these states.

<sup>2</sup> Three other amendments were defeated by failure to secure repassage by **the** Legislature in states where this is a necessary step in the process of con-**stitutional** amendment.



Pennsylvania with \$1500 salaries exceeding this compensation. Several acts were passed providing for increased clerical service for committees. Alabama regulated in some detail the choice, compensation and tenure of legislative employees ['03 p.27].

Another matter of importance in regard to the legislative body was the elimination of the unfortunate requirement in Michigan that bills must be introduced within the first 50 days of the session ['03 p.427]. South Carolina voted in November 1904 in favor of an amendment providing for biennial legislative sessions ['04 ch.483]. The action of the people is not final however as the Constitution provides that amendments voted by the people are not effective till they have been ratified by act of the Legislature. If this should be done the number of states holding regular annual sessions would then be reduced to five. This would be in line with the general tendency which has gone so far in Alabama as to provide for a quadrennial session.

**Special legislation.** The most important feature of special legislation during 1904 was the adoption of the Illinois constitutional amendment, authorizing the Legislature to pass special laws for the government of the city of Chicago—a practice forbidden by the Constitution of 1870. It is provided, however, that all such special laws passed must be submitted to a referendum of the Chicago electorate for adoption or rejection. This is an interesting case of special legislation by means of constitutional amendment, qualified by the local referendum. In Florida and Tennessee amendments authorizing certain forms of special and local laws were submitted to the people and rejected. A South Carolina amendment of a similar character was adopted by the people subject to ratification by the Legislature of 1905 ['04 ch.348]. Reference to the evils of special legislation was made by Governors Bates of Massachusetts and Odell of New York, but no action was taken in those states. Governor Nash of Ohio called attention to the fact that several classes of Ohio laws were still existing under the old and unconstitutional scheme of classification and recommended their modification to suit the decision of the court.

**Direct legislation.** Direct legislation received a setback in two states during the last year. The Massachusetts amendment providing for the initiation of constitutional amendments on the petition of 50,000 voters together with 15 senators and the majority of the representatives failed to repass the Legislature after its victory in 1903 ['03 p. 583]. Missouri also defeated an amendment which provided for a referendum on state laws on petition of 10% of



the voters in each congressional district, and for the initiative on petition of 15% of the voters of the state and 20% of the voters of each congressional district ['03 p.280].

### Elections

**Suffrage.** Practically no change was made in the qualifications for suffrage. Governor Garvin of Rhode Island strongly recommended that the property qualification for the election of city councils should be abandoned and pointed out the fact that under the present system three fifths of the ordinary electorate is disfranchised. Governor Bates of Massachusetts recommended the extension of the suffrage to women. In Oregon a measure providing for woman suffrage passed the Legislature and now goes to the people for final decision ['03 p.37].

**Time of elections.** The generally prevalent system of biennial elections was adopted during the last year by Iowa ['04 p.207]. In Ohio a constitutional amendment providing for the biennial election of state and county officers in even years and the election of all others in odd years is to be voted on by the people ['04 p.640]. Another amendment provides for the change of the election of judges and other officers from the spring to the fall ['04 p. 37]. In New York it has been provided that the date of the elections in villages having a population of less than 3000 may be changed to any Tuesday in June by special vote of the village ['04 ch.231].

**Registration and election machinery.** In Kentucky the registration law was extended to cities of the fifth and sixth classes ['04 ch.6]. In Louisiana provision was made for a permanent registration of voters, to be supplemented before each general election ['04 ch.118]. The election machinery of Virginia was modified by the transfer of the appointment of the county electoral boards from the General Assembly to the County or Corporation Court ['03 ch.346 (ex. sess.)]. In Alabama there has been provided an electoral board of three for each county, to be appointed by the governor, the state auditor and the commissioner of agriculture and industries ['03 p.438]. This board is to go from precinct to precinct and effect a complete registration of the voters. In New York an important change was made by authorizing, in cities of 250,000, the removal of election officers on the request of the party official by whom they are appointed. This is a protection against cases where there is a change of politics on the part of the election officials, but at the same time places all judges at the mercy of the particular faction in power ['04 ch.70].



**Parties.** The matter of party nominations was the subject of important legislation during 1904. Several states passed noteworthy primary laws and two of these were sweeping direct nomination measures.

The Alabama law ['03 p.356] made provision for a primary system that is typical of the Southern States. The law is optional with the parties; the qualifications for participation in the primary are fixed by the state central committee; the expense of the election is a private and not a public charge. Nominations are to be made by direct vote and there is no provision at all for the use of the delegate system. Ohio also passed a law of a somewhat flexible character ['04 p.439]. Adoption of the provisions of the act is made optional with the parties, and the party committee "shall prescribe the qualifications not inconsistent with the provisions of this chapter, of persons to vote at such election."

The Mississippi direct primary law of 1902, the first state-wide primary law to be adopted in the United States, was slightly amended ['04 ch.129]. It was provided that where a candidate has no opposition in the primary, he shall be declared the nominee for that office. Furthermore, the complicated scheme for nominating candidates by the indirect electoral method, in the absence of a majority nomination, was eliminated.

The most important primary legislation of the year, however, was in the states of Oregon [Initiative petition of Feb. 5, 1904] and Wisconsin ['03 ch.451], where direct nomination plans of an advanced type were adopted. The first Oregon law of 1901 had been declared unconstitutional, and this second measure was introduced by the initiative and passed under the referendum. The Wisconsin law was the result of a long drawn out struggle carried on by the opponents of the convention system. Both systems are mandatory in character. Both laws provide for the direct nomination of practically all but local officers. Oregon excepts municipal elections in towns and cities of less than 2000, and Wisconsin excludes town, village and school district elections, the judiciary (except police justices and justices of the peace) and the state superintendent of public instruction. Both provide for a direct vote on the nomination of candidates for the United States Senate. Both provide for placing names on the official ballot by petition of a certain number of voters. For state officers the number is, in Wisconsin, 1% of the party voters in six counties, and this must equal 1% of the party vote in the state; in Oregon by persons in one tenth of the precincts in seven counties. For the smaller units different percentages are required. Both systems provide for joint



party primaries on the same day throughout the state. In Wisconsin the various ballots are pinned together and handed to the voter, who detaches the ticket he wishes to vote. In Oregon the tickets are of different colors—the Republican ballots having black ink on white paper, and the Democratic black ink on blue paper. Both systems provide for plurality nominations; both include the election of party committeemen in the plan; both provide that all the safeguards of the law shall be thrown about the primary and that every possible precaution shall be taken against fraud or violence. Both systems are to be maintained at the public expense.

On some other points the two plans differ. In Wisconsin provision is made for the adoption of a platform by the candidates for state office together with the candidates for the state Legislature. In Oregon, on the other hand, the candidate in filing his nomination is allowed to state his principles in not more than 100 words, and to present a statement of not more than 12 words to be printed on the ballot as his platform. Again, the Wisconsin law provides for holding the primary and the registration on the same day, while this feature does not appear in the Oregon law. A further and more fundamental difference concerns the matter of party suffrage. The Wisconsin law is based on the principle of the "open primary" in which there is no test of party allegiance and the whole vote is absolutely secret. It is not possible under this system to determine with what party an individual votes. In Oregon a system of party registration has been adopted, as the court took an unfriendly attitude toward the open primary feature of the first law. At the regular registration the voter is now allowed to affiliate with a party, taking oath to the effect that "you are in good faith a member of the political party with which you are registered." This principle is distinctly recognized in the preamble to the Oregon law, where it is stated that "Every political party and every voluntary political organization has the same right to be protected from the interference of persons who are not identified with it as its known and publicly avowed members, that the government of the state has to protect itself from the interference of persons who are not known and registered as electors. The people of the state and the members of every political party and voluntary political organization are rightfully entitled to know that every person who offers to take any part in the affairs or business of any political party or voluntary political organization in the state is in good faith a member of such party."

The Iowa law ['04 ch.40] is an attempt to perfect the delegate and convention system by throwing around it all possible safe-



guards. It applies to counties having a population of over 75,000, of which Polk county is the only example. All the guaranties given in an ordinary election are provided and in addition certain unusual precautions. The law declares that delegates elected under its provisions "shall be considered as instructed to vote for, as long as good faith requires, and use their best endeavors to secure the nomination of the persons for the various positions to be filled, who have received the largest number of votes respectively in the precinct where the delegate was elected." If, in the convention, it appears that any candidate for any office has a majority of the instructed delegates he is declared the nominee. If not the convention proceeds to ballot till a majority is secured for some one, but no one may be chosen whose name does not appear on some primary ticket. A system of party registration is also a part of the measure.

**The ballot.** A number of laws were passed regulating the kind of ballot to be used in the elections. By far the most radical measure that met with approval was the proposed constitutional amendment of Kentucky ['04 ch.30]. This provides for the abandonment of the balloting system and the substitution of viva voce voting. In Alabama the Australian ballot system was modified by the introduction of the party emblem over the party column, instead of the classification of candidates as under the old law. In Maryland, on the other hand, the law was so changed as to omit the provision for placing the party name after the name of the candidate ['04 ch.339]. A New York law provided that where town and general elections are held together separate ballots must be used ['04 ch.733]. In Alabama the voting booth was given up in towns under 3000 in population.

**Corrupt practices.** The corrupt practices act of Massachusetts was strengthened by providing that the secretary of the commonwealth should furnish blanks to be sent to all candidates for statement of campaign expenses. If no statement is received within 60 days after the election, the attorney general is to be notified of the fact, and the Supreme Court or the Superior Court may compel the filing of a "sufficient statement" ['04 ch.375, 380]. Alabama required the declaration of primary expenses by candidates for nomination ['04 p.356]. The Iowa law also provided penalties for corrupt practices in elections ['04 ch.40] and Virginia increased the penalty for vote buying and added the alternative punishment of imprisonment in jail for from 1 to 12 months ['04 ch.551]. Ohio also passed an act prohibiting bribery in primaries and conventions ['04 p.107].



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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25d

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Criminal Procedure  
Crimes and Offenses  
Corrections

J. Franklin Fort  
Samuel J. Barrows  
George McLaughlin

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## CRIMINAL PROCEDURE<sup>1</sup>

J. FRANKLIN FORT, JUSTICE OF THE SUPREME COURT OF NEW JERSEY

The legislation of the several states for 1904 relative to criminal procedure is not extensive, and little of it is of general interest. It would seem that criminal procedure should by this time be so well settled that scarcely any legislation would be necessary in any state. The constant demand, however, for some modification of the treatment of persons accused of crime seems to bring forward some new legislative enactment at every session of a state Legislature.

**Apprehension.** An act was passed at the extra session in Virginia ['03 ch.529] which is somewhat novel, but exceedingly useful. It provides that when an officer (judicial no doubt is meant) suspects an offense has been committed, he may issue subpoenas for and examine witnesses to determine whether the offense has been committed, and issue his warrant after he discovers the truth in the matter. This could be made a very useful act. In 1904 this act was amended and extended ['04 ch.103]. Kentucky enacts additional laws for rewards for the arrest of horse thieves ['04 ch. 47]. Massachusetts authorizes a court to issue process to bring defaulting recognizers into court ['04 ch.164]. New Jersey gives judges of police courts power to bail in ordinance violation cases ['04 ch.170]. New York authorizes bail to be taken by a magistrate in a county where the defendant may be held ['04 ch.202]. South Carolina authorizes a deposit for bail of an amount not exceeding the fine for which the offender may be punished ['04 ch.204].

**Discharge.** Ohio gives to the local courts of the county in which its benevolent or penal institutions are situate, exclusive jurisdiction to issue and determine writs of habeas corpus for the production or discharge of inmates ['04 p.318]. This is a good rule and is in

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<sup>1</sup>See also Governors Messages and Index of Legislation, 202.



force in other states. It prevents the officers of a state or county institution from being required to take inmates to far away points at risk and expense.

**Grand jury.** Minnesota authorizes a vote on the question of the abolition of the grand jury system through an amendment to the state Constitution ['04 ch.269]. Iowa authorizes clerks to grand juries in certain populous counties ['04 ch.138]. Virginia enacted an excellent statute as to selecting grand jurors. It provides that the persons to constitute the grand jury for a year shall be selected by the court, and that the court may order a special grand jury to be summoned in vacation. A regular grand jury is reduced to not less than 9 or more than 12, and a special to not less than 6 or more than 9 ['04 ch.549 (ex. sess.)].

**Trials.** Massachusetts prevents male and female prisoners being put in the same dock in police, district, or city courts ['04 ch.218]. Rhode Island extends her act as to appointment of attorneys for indigent persons accused of crime, and compensates them for their services not beyond \$15 a day while conducting the trial, and \$10 a day and necessary disbursements if no trial be had ['04 ch.1153]. Virginia requires the court to fix a day on which the trial of a criminal case will commence ['03 ch.539 (ex. sess.)]. It is difficult to see how a cause could otherwise be commenced. This state also provides that on a plea of guilty the judge may try the facts and impose the penalty, instead of the jury as heretofore ['04 ch.553 (ex. sess.)]. The venue may also be changed by the court ['04 ch.19]. When the militia has been called out to protect the accused, the venue shall be changed on the petition of the prisoner ['04 ch.190].

**Evidence.** Louisiana authorizes the sheriff of one parish to serve subpoenas for witnesses in adjoining parishes ['04 ch.48]. New York authorizes a judge, upon being satisfied that a person is a material witness in a criminal case, to require such person to enter into bond for appearance as a witness in the cause, or in default, to commit such witness into custody ['04 ch.437]. Ohio exempts from prosecution persons testifying as to the violation of liquor laws or bucket shop acts ['04 p.332]. Alabama makes a wife a competent witness against her husband in case of his abandoning his family ['03 p.32].

**Judgment. Sentence. Error.** Kentucky enacts that no mandate shall issue or decision become final in a criminal case till 30 days (exclusive of Sundays) after the decision is rendered ['04 ch.64]. The same state allows an appeal from a verdict of acquittal by the



commonwealth, "when it is important to the correct and uniform administration of the criminal law" ['04 ch.65]. It is difficult to see the utility of this statute. Rhode Island regulates appeals for certain minor offenses and the filing of reasons for appeals thereon ['04 ch.1149]. Virginia amends her writ of error in minor respects of no general interest ['03 ch.403]. The same state also provides for bills of exceptions in criminal cases ['03 ch.541] and permits an appeal by a person required to enter into a recognizance in a criminal case ['04 ch.73]. Louisiana permits discharge of a prisoner on the payment of the part of fine proportionate to the term of sentence yet to run, when the imprisonment is for a fixed term in default of payment of a fine ['04 ch.168]. Maryland permits the governor to remit the whole, or any part, of a forfeited recognizance taken by a judge, or justice of the peace ['04 ch.552]. Virginia enacts several acts relative to power of the governor to remit fines. This power was formerly in the Legislature. Massachusetts amends the act relative to the delivery of the body of a convict after execution ['04 ch.204]. West Virginia enacts relative to the delivery of prisoners to the keeper of penitentiary after sentence ['04 ch.21].

**Jury.** Virginia repeals the act giving defendants a right to waive a trial by jury in cases of misdemeanor ['03 ch.522]. The same state modifies her act relative to selecting jurors ['04 ch.17,82]. Ohio gives the prosecuting attorney four peremptory challenges ['04 p.316].

**Conclusion.** But three acts in all this review of legislation on criminal procedure are, in my mind, worthy of general adoption. These are the Virginia act ['03, ch.520] which requires an examination by magistrates before issuing warrants of arrest. Warrants are obtained too easily. The sacred right of the citizen to be free from arrest is treated too lightly in our time. A clear prima facie case should always be required before a warrant issues to deprive a citizen of his liberty. Another is the Rhode Island act ['04, ch. 1153] which fixes by statute the fee to be paid to counsel assigned by the court to defend indigent prisoners. There is a tendency to make such fees excessive and unless something is done to restrict such fees, to a reasonable amount, there will soon come a time when the public authorities will overthrow the whole system as an extravagant and unwarranted expenditure. The third is the Louisiana statute ['04, ch.168] which permits the discharge of prisoners, held in default of payment of an imposed fine, on the payment of the part of the fine, not already worked out by the term



of imprisonment served by the prisoner. Most of the states hold prisoners for unpaid fines for twice the number of days there are dollars in the amount of the fine—that is they allow 50 cents for each days service in prison. The effect of this act is, on a fine which would hold an offender for 60 days, to permit the prisoner to be discharged at the end of 30 days on the payment of one half the fine imposed. With a little more detail in the statute it could be made a very useful act.



## CRIMES AND OFFENSES<sup>1</sup>

SAMUEL J. BARROWS, UNITED STATES COMMISSIONER INTERNATIONAL  
PRISON COMMISSION

The course of criminal legislation for the year 1904 in the different states was not marked by the discovery of any new form of offense. Except in the code of the United States, the categories of crime in this country are already sufficiently minute to cover all modern offenses, whether they relate to expectoration or to the stealing of electricity. It is something of a relief therefore to find that no new crime has been created or discovered. Legislators have mainly been busy in strengthening laws, readjusting penalties, in the hope by such deterrents of limiting the field of criminal operation. The practical value of a legal menace to the purely professional criminal has not yet been determined. Offenders who violate law, owing to passion or weakness, are seldom affected by the threats of the law. It is not likely that there would be any perceptible diminution in intemperance if capital punishment were imposed as a penalty. The habitual inebriate would satirize the law by getting "dead drunk" just the same.

Nevertheless, South Carolina has determined to frighten burglars by making safe-cracking a felony and prescribing life imprisonment for the offense unless the jury recommends mercy. We suspect that immunity from this offense in South Carolina will depend more on the quality of the safes used by her business men than on this threat of the law. Kentucky feels that it has provided "more adequate punishment for bank robbery and safe-blowing," by making the penalty not less than 2 nor more than 20 years, and leaving the sentence entirely with the court.

The fluctuations of penalty and of legal estimates as to the enormity of offenses are curious enough. Thus Kentucky, while showing a much greater leniency than South Carolina in dealing with safe-cracking and bank robbery, has elevated chicken-stealing to the rank of a felony. Heretofore, the high toned cracksman has not been obliged to associate in prison with the chicken thief; the enormity of his offense has always secured for him confinement in a state prison, while the chicken thief has gone to the county jail. With a ruthless hand Kentucky proposes to obliterate these social and penal distinctions. The new Kentucky law says, "If any person shall steal chickens, turkeys, ducks, or other fowls of the

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<sup>1</sup>See also Governors Messages and Index of Legislation, 234.



value of \$2, or more, he shall be confined in the penitentiary not less than one nor more than five years." That is the whole text of the law, which is a model of legal brevity. Chicken thieves in Kentucky, to escape the invitation and consequences of felony, must confine their choice to chickens less than \$2 in value and not take too many of them at a time. The new law counsels moderation.

As to other forms of crimes against property, Louisiana imposes a penalty of from 'one to five years' imprisonment at hard labor for burning or attempting to burn any movable property of value. Maryland has amended its laws relating to arson. Under this act, various distinctions are made as to degrees of enormity in the offense of arson without affecting the general scale of penalties. In the discretion of the court, capital punishment may, as hitherto, be imposed, or a sentence to a penitentiary for 20 years. For firing an untenanted or unfinished dwelling house, the maximum penalty is 10 years. For burning or attempting to burn the State House or other public buildings or churches, colleges, or hospitals, the maximum punishment, death, may be imposed, or 20 years' imprisonment. For burning mills, manufactories, storehouses and other private property, the sentence may be from 2 to 20 years; the burning of schoolhouses, engine houses, market houses, or bridges is punishable with imprisonment for seven years.

Distinctions as to arson made in Maryland are not so comprehensive as those made in the penal code of New York, in which the degree of enormity depends not on the public or private uses of the building, but rather on the fact of its occupancy by a human being; such fact constituting arson in the first and second degrees, while the third degree is limited to the destruction of insured vehicles or buildings with the intent to prejudice the insurer.

Several states have passed laws making it a misdemeanor to divert or steal the electric current. In Iowa it is punished as for larceny.

The operations of dentistry as applied to horses and mules in South Carolina are henceforth to be seriously limited. An amendment of the criminal code provides that "Any person who files down, drills or bores holes in, or otherwise makes alterations in the teeth of any horse or mule, for the purpose of deception as to the age of such animal, shall be guilty of a misdemeanor." The penalty is 30 days' imprisonment or \$100 fine. While it would be proper for South Carolina dentists to practise the arts of deception to any extent on human beings so as to make them look younger than they really are, no horse or mule can have the advantage of this form of rejuvenation.



Virginia proposes to punish with from 5 to 10 years' imprisonment the malicious shooting or throwing of missiles at cars or boats; where the act is not malicious, the term of imprisonment is from one to three years.

Kentucky and Virginia have both raised the penalty for bribery. In Kentucky, in lieu of the fine of \$200 to \$1000 formerly imposed the penalty is imprisonment in a penitentiary from one to five years with loss of suffrage for 10 years. Lest it should be inferred that bribery is common in Kentucky, and to show that the act is deterrent, the law ends with the following paragraph:

In view of the serious wave of corruption which has swept over the country involving officers of the federal government, members of the various state legislatures and numerous boards, commissions and councils of various cities, and to prevent the possibility of such shame in Kentucky, an emergency is hereby declared to exist, and this act shall take effect upon its approval by the governor.

In Virginia bribery is to be punished by imprisonment in the penitentiary (formerly jail) of from 1 to 10 years (formerly 1 year).

Judging from legislation, vagrancy is in need of more stringent and intelligent treatment. Alabama, Kentucky, Mississippi and Virginia have revised and adopted more stringent vagrancy laws. In some of these laws the definition covers almost as much ground as the offenders.

Kentucky and Maryland have increased penalties for carrying deadly weapons. In Maryland the fine, formerly \$500, has been increased to \$1000 and the term of imprisonment raised to two years. In Kentucky, it is made "unlawful for any one to draw, flourish or wave a deadly weapon inside of a passenger coach, or on the platform of any passenger coach occupied by passengers or employees." The penalty is a fine from \$25 to \$300 or confinement in county jail from 10 days to 12 months, or both fine and imprisonment in the discretion of the jury.

As to crimes against persons, Virginia has raised the punishment for kidnapping for purposes of extortion, to death or imprisonment from 8 to 18 years. In Iowa, the penalty of assault with intent to murder, formerly 10 years, has been raised to a possible 30 years.

In regard to receiving stolen goods, New Jersey recognizes its ethical obligations to other states by making it a misdemeanor to retain stolen goods whether the crime is committed in or out of the state.

Arkansas, Maryland, New York and South Carolina have amended their laws in relation to gambling. Of these laws, the most im-



portant is that passed by New York at the request of District Attorney Jerome of New York city to the effect that a witness in gambling prosecutions is not to be excused from testifying on grounds of self-incrimination and that the testimony is not to be used against him.

Maryland imposes a penalty of imprisonment from six months to two years in the house of correction for playing "Thimbles," or "Little Joker," or at dice or "Crap."

Louisiana makes it a misdemeanor to open or operate turf exchanges and to open or conduct pool rooms.

The humane sentiment is seen in the prohibition in Iowa and New Jersey of shooting at live pigeons as targets. Iowa prohibits the docking of horses. The offense is made a misdemeanor and the penalty a fine not to exceed \$100 or imprisonment in county jail not to exceed 30 days.

Attention was called last year to the utterances of Governor Jelks of Alabama, Governor Aycock of North Carolina, and Governor White of West Virginia against lynching. In 1904 Governor Heard of Louisiana called the attention of the Legislature to the subject of mob violence and suggested the enactment of the recommendations made by the attorney general.

Governor Blanchard of Louisiana in his message of May 16, 1904, said:

There will be a rigid enforcement of law and order. Mob violence in contravention and defiance of law will not be tolerated. Lynchings will not be permitted under any circumstances, if it be possible for the military, at the command of the governor, to get there in time to prevent it. And if they occur before the intervention of the executive can be made effective, inquiry and investigation will be made and prosecution instituted. Sheriffs will be held to the strictest accountability possible under the law for the safety from mob violence of persons in their custody. . .

Governor Heyward of South Carolina, in his message of Jan. 12, 1904, also said:

The occurrence of lynchings from time to time in our state is deplored by all believers in law and order. . . Theoretically speedy trials offer the best remedy, but smarting under the horrors of the outrage, even the most law-abiding communities may hesitate to expose to further indignity the shrinking victim. While this is all true, crime in any form can not be extenuated. Under our law an attempt to commit rape is punishable by imprisonment for a period not longer than 10 years. This, in my judgment, should be changed, and the penalty inflicted should be imprisonment for life.



## CORRECTIONS<sup>1</sup>

GEORGE MCLAUGHLIN M. A. SECRETARY NEW YORK STATE  
COMMISSION OF PRISONS

The most noticeable trend of legislation for 1904 relating to corrections and penal institutions was for the better care of women and girls; the establishment of reformatories for both sexes; the wider extension of the indeterminate sentence law; progress in the work of separating the criminal insane from the innocent insane, and the separate housing of the former from other convicts; and increased compensation for the minor prison officials.

**General supervision.** In Florida Governor Jennings, in his annual message to the Legislature, states that the commissioner of agriculture is given the supervision of state prisoners by the Constitution, and as there are more than 1000 state prisoners located in the various counties, the present compensation of the supervisor of state convicts is inadequate.

Louisiana ['04 ch.176] has created a state board of charities and corrections with power to visit and inspect state and local charitable and correctional institutions.

Governor Vardaman of Mississippi recommends the abolition of the Board of Control, and the substitution therefor of a department under the direction of one man, whose duty it shall be to direct and supervise the work of the convicts.

**Penal institutions.** In New Jersey Governor Murphy stated in his message that the State Prison had become overcrowded, over 300 cells being each occupied by more than one prisoner. Accordingly the Legislature passed an act ['04 ch.98] making the supervisor, keeper and board of inspectors of the State Prison a building commission to enlarge and improve the prison. The expenditure is limited to \$335,000.

In New York Governor Odell says: "For humanitarian reasons ample provision should be made at once for remodeling the present state prisons. That source of disease, the damp, foul and unhealthy cell should be relegated to the past."

**Prison officers.** In Iowa a law was passed ['04 ch.139] providing for assistant deputy wardens for state penitentiaries. It was also provided [Ia. '04 ch.141] that the penitentiary guards and turnkeys shall hereafter receive salaries graded according to service, ranging from \$50 to \$65 a month.

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<sup>1</sup>See also Governors Messages and Index of Legislation. 235.



In Kentucky ['04 ch.106] the pay of the penitentiary guards was increased from \$60 to \$75 a month.

In Maryland ['04 ch.469] the salary of the warden of the penitentiary was increased from \$3000 to \$4000.

In New York ['04 ch.709] the position of keeper in the several state prisons was abolished. Such officers are hereafter to be called guards. Compensation for the first year is \$660; second year, \$740; third year, \$820; fourth year, and thereafter, \$900.

In Washington a constitutional amendment ['03 ch.147] was adopted by the people authorizing the Legislature to appoint chaplains to state penal and reformatory institutions.

*Institutions for women and girls.* New Jersey ['04 p.510] continued the commission appointed in 1903 to examine concerning the imprisonment and care of women offenders, with instructions to further examine the subject and to report also on the number of women committed to correctional institutions by judges or probation officers, and on the character and hours of work of women in penal institutions.

In New York ['04 ch.165] the law relating to the management of state houses of refuge and reformatories for women was amended by making each board of managers a board of parole for such institution; and providing that at the New York State Reformatory for Women at Bedford, the magistrate making a commitment, when he so requests, shall be a member of the board of parole as to such female committed by him. The law relating to commitments to state houses of refuge for women was amended ['04 ch.169] by providing that such commitments may be made by any court or magistrate (formerly magistrate only) and including the offense of vagrancy among those for which commitments may be made. This act also authorizes the State Board of Charities, at the request of the board of managers, to transfer inmates from one of these institutions to another. The House of Refuge for Women at Hudson was reorganized and its name changed to the New York State Training School for Girls ['04 ch.388, 453]. Girls of from 12 to 16 years of age may hereafter be committed to this institution. They were formerly sentenced either to the State Industrial School at Rochester or to the House of Refuge on Randall's island. Sentences are to be indeterminate; those under 15 years when committed may be retained till they attain the age of 18; those 15 years of age when committed may not be detained longer than three years. Females between the ages of 15 and 30, convicted of offenses shall not hereafter be sent to Hudson, but either to the



Western House of Refuge at Albion or the New York State Reformatory for Women at Bedford.

In Ohio ['04 p.259] the law relating to the Girls Industrial Home at Rathbone was amended so as to authorize the detention of girls committed thereto till 21 years of age (formerly 18).

*Reform schools.* Louisiana ['04 ch.173] established a state reform school to which all male prisoners, 18 years of age and less, not convicted of murder, manslaughter or rape, shall be sentenced. The institution is to be under the control of three commissioners appointed by the governor; white and colored inmates are to be separated as far as practicable; the board has power to parole and make rules for commutation of sentences, and may transfer incorrigibles over the age of 15 to the State Penitentiary.

In New York the laws relating to commitments to juvenile institutions were amended so as to require the commitment of boys only to the schools at Rochester and Randall's island and of girls of the same age to the State Training School at Hudson. An act was also passed ['04 ch.718] authorizing the selection of a site for the New York State Training School for Boys. The site is to consist of 1000 acres, within 50 miles of New York city. This school, when established, is to take the place of the House of Refuge for Boys on Randall's island.

In Ohio ['04 p.23] the trustees of the Boys Industrial School were authorized to parole inmates of the institution.

In Virginia ['04 ch.22] the act relating to the West Virginia Reform School was variously amended; among other changes the Board of Directors is reduced from six to five, the term of one director to expire each year and *any* minor (formerly male minors under 16) may be committed to the school.

*Reformatories.* Massachusetts ['04 ch.243] authorized the prison commissioners to make regulations for the discipline of prisoners in the temporary industrial camp. The commissioners may also grant paroles and may aid discharged prisoners.

In Ohio ['04 p.82] the superintendent of the State Reformatory was authorized to expend 50% of the earnings of the inmates in equipping and maintaining industrial training schools in the institution.

*County and township jails and workhouses.* Massachusetts ['04 ch.211] repealed certain acts relative to recovery of sums expended for support of county convicts.

In New York ['04 ch.83] the book containing records of commitments to county jail is hereafter to be a public record, to be fur-



nished by the county and to remain in the office of the sheriff. Town boards were authorized to lease a house of detention or lockup for a term not exceeding five years ['04 ch.68].

In Ohio ['04 p.86] the law relating to appointment of matrons for jails was amended so as to provide that sheriffs *may* (formerly shall) appoint not exceeding three jail matrons in *any* (formerly Cuyahoga) county; appointment to be approved by probate judge. The law providing for the joint erection of a workhouse by the county and city or village authorities was amended ['04 p.448] so as to authorize the acquirement as well as the erection and management of such a workhouse on such terms as such county and city or village may agree; and providing that such workhouse shall be managed and controlled by a joint board composed of the county commissioners and the board of public service of the city, or the board of trustees of public affairs of the village. The law relating to the management of workhouses was amended ['04 p.488] so as to authorize the board of managers to regulate not only the discharge but also the parole and recommitment of any inmate.

**Convicts.** In Iowa ['04 ch.134] a law was enacted making it an offense, punishable by not exceeding five years imprisonment, to bring into any state reformatory or penal institution certain narcotic drugs or intoxicating liquor, or any weapon or other article to aid escape of prisoners.

In Ohio also it was made a misdemeanor to convey liquors or certain narcotic drugs to persons in penal institutions ['04 p.120].

*Convict labor.* In Alabama ['03 p.86] the Board of Convict Inspectors were authorized with the approval of the Governor to employ male convicts in the mining of coal on state lands, and to hire convicts to coal operators. The board was also authorized, with the approval of the governor, to sell agricultural lands now used by the state in working convicts, and purchase other lands for same purpose ['03 p.393].

In Florida Governor Jennings recommended that instead of distributing all the money arising from the hire of state prisoners to the counties, one half should be retained by the state to be applied on the cost of criminal prosecutions.

In Georgia ['04 p.763] the prison commission was authorized to contract by competitive bids or private contracts for labor of male convicts unemployed at the State Farm, and pay funds into the state treasury.

In Louisiana ['04 ch.191] police juries of parishes were authorized to work the parish jail prisoners on any public work within the



parish, or to hire out such convicts to lessees under certain restrictions and regulations. The police juries are to fix the compensation and establish regulations for the employment, safe-keeping, housing and discipline of convicts while so working. Prisoners awaiting trial may work for their own benefit.

In Virginia ['04 ch.232] it was made lawful to employ not exceeding 50 convicts in doing the grading and other rough work connected with the proposed enlargement of the State Capitol.

**Criminal insane.** In Georgia Governor Terrell recommended a complete separation of the innocent insane from the criminal insane, and that the Prison Commission be authorized to erect on the prison farm a hospital for the criminal insane. The Legislature enacted ['04 p.107] that if a convict sentenced to a penitentiary becomes insane, he shall be removed to the prison farm, and the Prison Commission shall make provision for his care, maintenance and medical treatment. Insane convicts now in the State Sanitarium are also to be removed to the State Farm.

In Massachusetts ['04 ch.257] an act was passed providing that if a person under indictment is at time of trial or any time prior thereto found to be insane, or to be in such mental condition that his committal to an insane hospital is necessary for his proper care or observation, the court may commit him to a state insane hospital.

In New York ['04 ch.525] the insanity law relating to Matteawan State Hospital was amended so as to allow persons to be transferred thereto by the State Commission in Lunacy, and for the commitment thereto of persons declared insane while undergoing sentence of one year or less for a misdemeanor, and of all female convicts becoming insane while undergoing sentence. The amendment also provides that whenever the physician of the State Prison for Women, any county penitentiary, workhouse, reformatory for women, or any other penal institution (formerly state institution) shall report in writing that any convict confined therein is insane, such convict shall be examined by two qualified examiners in lunacy, and if reported insane may be transferred to the Matteawan State Hospital by order of a judge of a Court of Record. The Commission in Lunacy may transfer to said hospital any criminal inmate of other hospitals. After Oct. 1, 1904, all inmates of Matteawan State Hospital shall be maintained at the expense of the state.

**System of sentencing and reform.** Governor Cummings of Iowa states that he does not believe that a board of pardons is necessary; that under the Constitution the governor is required to take the responsibility; that preliminary investigation can be carried for-



ward in the governor's office; that no rule can be formulated to govern the discretion which he must exercise. He also recommends that the governor be authorized to employ additional agents to assist in securing work for discharged prisoners, and watch over them till they are again fairly established among their fellow-men. He also recommends that parole system be preserved and perfected; and in order that parole shall be consistent with the execution of the sentence, he recommends the adoption of some phase of the plan of indeterminate sentence. The Legislature adopted a resolution ['04 p.211] providing for the appointment of a committee to investigate the workings of the indeterminate sentence and Elmira Reformatory systems and report to the Legislature of 1906. \$500 appropriated for expenses.

Governor Garvin of Rhode Island recommends the passage of an act providing for indeterminate sentence and parole, to be made retroactive if possible.

In 1903 Kansas passed an act providing for indeterminate sentences. This act has been declared to be unconstitutional to the extent that it applies to persons convicted before its passage [State v. Tyree, 77, P. 290].

*Probation.* In New Jersey ['04 ch.132] an act was passed authorizing probation officers and their assistants to arrest on sight persons violating terms of probation. The certificate of the officer that the person has violated his probation is made a sufficient warrant for his detention. The court shall then inquire into the conduct of the probationer, and if satisfied that he has violated the conditions of probation, may sentence him or may recommit him to the care of a probation officer. Proceedings are barred three years after original conviction.

*Habitual criminals.* In Massachusetts ['04 ch.303] the law relating to habitual criminals was amended by providing that a defendant on third conviction shall be sentenced the *maximum term* (formerly 25 years) for crime of which convicted.

*Identification.* In Massachusetts ['04 ch.241] it was enacted that convicted felons must, and tramps and vagrants under sentence may, be measured by state or county officer according to Bertillon system. The former act applied only to felons serving a sentence of not less than three years.



Property	Ernst Freund
Liens and Mortgages	Louis Boisot
Contracts and Torts	John B. Sanborn
The Family	Amasa M. Eaton

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## PROPERTY<sup>1</sup>

**ERNST FREUND, J. U. D. PROFESSOR OF LAW, UNIVERSITY OF CHICAGO**

The year 1904 produced 38 statutes of the class here to be considered, enacted in 11 different states, and distributed as follows: Virginia 9; Massachusetts 6; New Jersey and Ohio 5 each; New York 3; Georgia, Kentucky, Maryland and Ohio 2 each; Alabama and Iowa 1 each.

19 acts relate to the general subject of conveyancing (form and acknowledgment of deeds, certificates, recording officers, registration of titles), 7 to the subject of eminent domain, 5 to neighbors' rights (fences, lateral support), 3 to partition proceedings, 2 to settled and future interests, 1 to fixtures, and 1 to literary and artistic property.

Most of the statutes relate to points of detail amending existing legislation, and without more than local interest; the following are deserving of notice:

**Conveyancing.** No noticeable progress has been made in the legislation introducing the Torrens system of registration of land titles; the Georgia commission appointed in 1903 ['03 p.689] is continued with instructions to report to the next session of the General Assembly ['04 p.758]; Louisiana provides for the appointment of a commission to investigate the system and report within 12 months ['04 ch.88]. Massachusetts changes the name of the Land Registration Court to that of the Land Court, and enlarges its jurisdiction by assigning to it a number of special proceedings concerning title to real estate ['04 ch.448].

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<sup>1</sup>See also Governors Messages and Index of Legislation, 377.



New Jersey facilitates the proof of titles by providing that a recital in the attestation clause and in the acknowledgment of a deed that the same has been sealed by the makers shall be conclusive evidence that the same was only sealed, the act to apply to deeds theretofore as well as thereafter made ['04 ch.89].

Kentucky has two interesting enactments: one providing that no deed shall be recorded unless it shall plainly specify and refer to the next immediate source from which the grantor derived title ['04 ch.67]; the other, making it unlawful for any county clerk to officially certify to any abstract of title, where the lands are in the actual possession of another than the one shown by the abstract to be the owner, or where there are conflicting patents of the commonwealth ['04 ch.92].

New York ['04 ch.702] permits owners of rural residences on large estates (over 100 acres) to register the same under a designation and device approved by the secretary of state, in the office of the latter. If it was intended to secure the name of country estates against duplication, the means adopted certainly seems quite futile; but the purpose of the statute can only be guessed at, and inquiries in various quarters have failed to elicit any information as to the object of the introducer of the bill.

Louisiana ['04 ch.30, 187] permits the owner of an industrial establishment to file on record a declaration, whereby the machinery and appliances of the establishment, for the purpose of sale or mortgage, become fixtures or, in the language of the civil law, "immovable by destination." The machinery and all its renewals and additions become part and parcel of the real estate [*see* C.C., art. 468].

**Settled interests.** Maryland ['04 ch.563] permits, where the title to land is divided into particular estates and remainders or executory interests, any of the parties in interest to institute proceedings for a decree under which the property may be mortgaged, the proceeds to inure to the benefit of the same parties who are entitled to the land itself, the decree to bind contingent interests of parties not in being. The act will allow the raising of money for permanent improvements or to pay off existing incumbrances, and such is probably its object. Similar provisions exist in other states [N. Y. real property law §85; Mass. R. L. ch.127 §28, 29].

New Jersey ['04 ch.182] authorizes a remainderman to apply for the appointment of a receiver where the life tenant fails to take and keep possession of the property and maintain the same free from waste, or to pay taxes and municipal liens chargeable on it.



**Intangible property.** Massachusetts ['04 ch.184] makes the unauthorized public performance of an unpublished and undedicated dramatic or musical composition a misdemeanor. An act of Congress of Jan. 6, 1897, amending R. S. §4966, provides a penalty for the unauthorized public performance of a dramatic or musical composition for which a copyright has been obtained. A composition once published is not protected except by complying with the provisions of the federal law; but before publication the owner has a common law right that no one else shall publish his work, and this right rests for protection on the state law. Legislation for the protection of this right was first enacted in New York in 1899; Louisiana followed in 1900; Pennsylvania and Oregon in 1901; New Jersey in 1902. The act of Massachusetts shows three changes from the act of 1899 of New York: New York protects only against performances for profit, and only musical compositions known as operas; New York on the other hand extends the protection to copyrighted compositions, which in view of the federal law seems not only superfluous, but illegal, since federal rights can not be enforced by state penalties. The changes embodied in the Massachusetts act therefore seem to be distinct improvements.

**Eminent domain.** There are seven acts relating to eminent domain, most of them affecting minor points. Virginia ['04 ch.608] codifies the law of condemnation by corporations. In the Review for 1903 attention was called to the appointment of a committee in Massachusetts to inquire into the practicability of legislation authorizing the condemnation of land for public uses, so as to take a whole lot, the greater portion of which only is needed, where the remnant is unsuitable for improvement, while a remnant can be added to other remnants or to other lots for that purpose. The committee made a full and interesting report, and a statute has been enacted ['04 ch.443] allowing the commonwealth or a city (in 1905 a bill was introduced to add towns) to acquire by condemnation, purchase or gift the whole of any estate, part of which is actually required for a public work, "if the remnant left after taking such part would from its size or shape be unsuited for the erection of suitable and appropriate buildings, and if public convenience and necessity require such taking." The regular method of disposing of such remnant is to be by offering it for sale to the owner of adjoining property. The committee's draft act contained a provision that if such offer was not accepted, the commonwealth or city should have the power to condemn such adjoining property



and then sell it together with the remnant; this provision does not appear in the act, though referred to in one of its sections. The committee with some hesitation expresses the opinion that the plan recommended by it, and since adopted by the Legislature, may be sustained as constitutional; under a liberal view of public power the difficulty should not be insuperable. The English law (unrestricted by constitutional limitations) has sanctioned such an exercise of the power of eminent domain [*Galloway v. Mayor of Commonwealth of London*, L. R. 1 H. L. 36].

## LIENS AND MORTGAGES<sup>1</sup>

BY LOUIS BOISOT LL.B. 111 MONROE ST. CHICAGO

**Mechanics liens.** The year's legislation on the subject of mechanics liens has been so small in volume and so unimportant in character as to be almost negligible. What there is of it indicates a continuance of the legislative policy, so general in late years, to court popularity by giving undue advantage to the lien claimant. When this tendency goes too far it is sometimes rebuked by the courts. Thus the Supreme Court of Kansas [*Atkinson v. Woodmansee*, 74 Kan. 640] has decided that the Kansas statute [G. S. '01 §5125] which allowed the successful plaintiff in an action to foreclose a mechanics lien to recover attorney fees from the defeated party while not granting the same right to the defendant is unconstitutional, as denying the equal protection of the law to all litigants. This decision is in accord with the decisions of other states in regard to similar provisions of such statutes.

As illustrations of this legislative tendency to favor the lien claimant we may mention the Mississippi act ['04 ch.152] which extends the time for enforcing liens from 6 to 12 months, and the Massachusetts statute ['04 ch.349] requiring officers who contract for the erection of public buildings to obtain from the contractors security for the payment of laborers and materialmen. Still more striking instances of this kind of legislation is the Ohio act ['04 p.499] which extends the right of lien on furnaces to persons furnishing fuel to be consumed therein, and the Virginia statute ['03 ch.395] extending the right of lien on the property of railway, canal and other transportation companies to the traveling representatives of such companies. These last two enactments certainly depart a long way from the original idea of the mechanics lien law which was to give a person a lien on the improvements

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<sup>1</sup>See also Index of Legislation, 404.



into the construction of which his labor and material had entered. If legislation is to proceed much further along these lines it is easy to foresee a reaction in which all mechanics lien laws will be wiped off the statute books.

**Mortgages.** No important legislation in regard to mortgages has been enacted during the year. The Legislature of Georgia has passed a law ['04 p.79] regulating the business of lending money on household furniture, including kitchen articles, sewing machines and musical instruments, by requiring any one engaging in that business to take out a license, give a bond, keep books containing descriptions of all loans made, and give the borrower a copy of the entry in regard to his loan. It would seem that these provisions ought to prevent some of the oppression caused by the greed of "chattel mortgage sharks," unless they find some way to evade the penalties attached to its violation. Another Georgia statute ['04 p.99] gives the superior courts jurisdiction to appoint a new trustee under a deed of trust securing an issue of bonds whenever the former trustee fails to serve or becomes incapable of acting and provides a mode of procedure in such cases. Other legislation on this subject is unimportant.

Governor Odell of New York in his message to the Legislature makes some sensible suggestions on the subject of taxation of mortgages. Without attempting to decide the vexed question whether mortgages should be taxed at all, he argues forcibly in favor of legislation which should insure that all mortgages would be treated alike in the matter of taxation, a point on which all fair-minded men would probably agree with him, but which nevertheless is frequently overlooked by the lawmakers.

## CONTRACTS AND TORTS<sup>1</sup>

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The subjects of contracts and torts are of great importance to the lawyer, but do not ordinarily cause any considerable legislation. Modification of the common law is slow and cautious and it is only in a few special directions that our Legislatures have taken up the amendment or codification of the law relating to these subjects. During 1904 the most noteworthy enactments along these lines were the adoption of the negotiable instruments law in Kentucky and Louisiana, and legislation in various states in regard to the sales of merchandise in bulk, together with decisions in two states declaring such laws unconstitutional.

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<sup>1</sup>See also Index of Legislation, 452.



**Negotiable instruments.** The negotiable instruments law recommended in 1896 by the commissioners on uniformity of laws was adopted in substantially the form recommended by such commissioners by Kentucky ['04 ch.102] and Louisiana ['04 ch.64]. This makes 25 jurisdictions in which the recommendation of the commissioners has become law.<sup>1</sup> The Louisiana negotiable instruments law follows the recommended act in practically every particular. The Kentucky law has some changes, the most important of which are those in §95 and §96 which restrict a notice of dishonor to a written notice and the one which strikes out the provision in the original act for the adoption of the law merchant in cases not provided for. Curiously enough a number of clerical errors which crept into the act in its first enactment in New York in 1897 have been perpetuated in the Kentucky act, though most of these errors were corrected by the supplemental New York act of 1898. The Louisiana act follows the recommendation of the commissioners almost verbatim. It is interesting to note that neither of these acts have adopted the suggestions made in the rather heated criticism which the original enactment of the negotiable instruments law called forth.

Kentucky also defines due diligence in the collection of checks as that according to commercial usage ['04 ch.26], and New York requires notification to the bank within one year after return of voucher in order to fix the liability for payment of a forged check ['04 ch.287]. Virginia repeals a number of sections which relate to negotiable instruments ['03 ch.569 ex. sess.] but these in no way affect the negotiable instruments law previously adopted in that state, as the repealed sections relate to subjects which were substantially covered by the negotiable instruments law but which were not specifically repealed by it. A long enactment in Virginia relating to public holidays ['04 ch.137] has an indirect bearing on contracts as it touches the presentation of negotiable instruments and provides that they shall be presented on the next business day, but in this respect the law makes no substantial change from that which had existed before in that state.

**Sales of merchandise.** A favorite subject of legislation in recent years has been a restriction of sales of merchandise in entire stocks or otherwise than in the usual course of business. It is stated

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<sup>1</sup>New York, Connecticut, Florida, Colorado, Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, Iowa, Wisconsin, North Dakota, Utah, Oregon, Washington, Arizona, Idaho, Montana, Tennessee, New Jersey, Ohio, Kentucky, Louisiana and the District of Columbia.



by the Supreme Court of Ohio [Miller *v.* Crawford, 71 N.E. 631] that within six years the legislatures of 20 states have passed acts on this subject. The usual provision in these acts is for a notification in some form to the creditors of the vendor and various penalties for failure to comply with such terms, some making the sale presumptively void, others conclusively so as against creditors, and others inflicting fines. In two cases during the last year these acts have been declared unconstitutional. The Utah act ['01 ch.67] was reviewed in Block *v.* Schwartz, 76 P. 22, and it was there held that the law was unconstitutional as a deprivation of liberty of contract and of property without due process of law, in that it made a sale without the compliance of certain conditions fraudulent, irrespective of the financial condition of the vendor and imposed such onerous conditions on the sale that the disposal of property was rendered extremely difficult. It also held that the act was unconstitutional as class legislation as it only reached the debtor class in the mercantile business, thus excepting all persons engaged in that business who had no creditors and also farmers, miners, manufacturers etc., whether debtors or not. The act was also criticized as failing to exempt sales made by judicial officers. The question of the police power of the state was taken up and it was held that this act can not be brought within that rather indefinite province. The Supreme Court of Ohio also held the Ohio act on this subject ['02 p.96] unconstitutional as infringing the right prescribed by the Constitution for the holding of private property, and also as class legislation [Miller *v.* Crawford, 71 N.E. 631].

Among the new legislation on this subject the act of Kentucky ['04 ch.22] requires a notice to all creditors by the purchaser, from a list to be furnished by the vendor. It fixes a penalty for the failure to furnish such list and makes the purchaser hold in trust for the creditors in case of failure to give notice. Judicial sales are exempted. The bill became a law without the approval of the governor. New York has made some amendments to its law ['04 ch.569, amending '02 ch.528] so that the sale is only presumptively void as against the creditors and judicial sales are excluded. A penalty for failure to furnish a correct list of creditors has, however, been added. In Virginia ['04 ch.554 ex. sess.] an amendment to a previous act on this subject ['03 ch.304 ex. sess.] makes the sale only *prima facie* fraudulent and applies by its terms only to merchants. It surrounds the sale, however, with numerous restrictions, and though it does not go as far as the Utah and Ohio acts, it would probably be objectionable in those states, as would the laws of Kentucky and New York above referred to.



**Interest.** The only reference to contracts in the governors messages of 1904 was that by Governor Vardaman of Mississippi, recommending a reduction of the rate of interest to 8%. South Carolina ['04 ch.287] attempts to prevent usury on small loans by prohibiting a charge by the lender for the drawing of papers connected with the loan. In New York ['04 ch.661] some amendments are made to a previous act relating to the taking of security on loans greater than 6%.

**Partnership.** Ohio has a provision ['04 p.284] whereby the surviving partner or partners may cause a notice to be published for presentation of claims against the partnership, and limiting the time for such presentation to one year and discharging the surviving partner or partners and the sureties on the bond on the payment of claims presented within that time. This is supplemental to §3169 of the Ohio statutes giving the surviving partner the right to purchase the interest of the deceased partner on giving a bond for the payment of partnership debts.

**Suretyship.** The recent development of surety companies and the very common practice of giving bonds guaranteed by such companies is recognized and emphasized in an act of Ohio ['04 p.182] which, with the exception of bonds given by the superintendent of insurance, notaries public and those under \$2000 given by executors, trustees etc., restricts to bonds by surety companies authorized to do business in the state, restraining, however, the amount of any one bond of any company to 20% of its paid-up capital. If the person required to give such a bond is unable to procure any from a surety company he may, on the approval of the person under whom the bond was to be given, give a bond with sureties as heretofore.

**Miscellaneous contracts.** In Rhode Island ['04 ch.1151] it is provided that a demand for receipt for money tendered shall not prevent the offer from being a legal tender.

**Personal injuries.** In the subject of torts the usual field for legislation is that of personal injuries. The only provisions, however, which are of importance under this subject are, an act of Mississippi ['04 ch.87] providing that illegitimate children shall have right of action for death of the mother, and mothers of such children right of action for death of the child; and an act of Virginia ['04 ch.64] providing that if an action is brought within the period of limitations for death by wrongful act, the time when such action is pending shall not be counted as part of such period, and if the action is dismissed without a trial on the merits, a new action



may be brought within the remainder of the statutory period. This act also adds parents, brothers and sisters of deceased to those among whom the damages may be distributed, and also provides that where deceased shall leave a widowed mother and a widow with no children the amount shall be divided between them.

**Libel.** The Supreme Court of Kansas has declared unconstitutional the act exempting newspaper publishers from everything but actual damages in case of publication in good faith and retraction ['01 ch.249]. The court holds that the deprivation of the right to general damages can not be taken away without due process of law and the publication of the retraction is not such process [Hanson v. Krehbiel, 75 P. 1041].

## THE FAMILY<sup>1</sup>

AMASA M. EATON, PRESIDENT OF THE CONFERENCE OF COMMISSIONERS  
ON UNIFORMITY OF LEGISLATION

### Marriage

**Parties. Age.** La. '04 ch.129, amending C. C. art. 113 relating to impeachment of marriages contracted within degrees of consanguinity prohibited, validates such marriages heretofore contracted, celebrated in other states or countries where not prohibited; but marriages hereafter contracted out of the state within prohibitions established are not valid in Louisiana if parties return to reside permanently therein.

N. J. '04 ch.137 prohibits marriage of any person who has been confined in any public asylum or institution as an epileptic, insane or feeble-minded patient, without a certificate of complete recovery and that there is no probability of transmission of such defects to his issue from two regularly licensed physicians; and makes it a misdemeanor for any one of sound mind so to marry, or to abet such a marriage.

Ohio '04 p.83 prohibits the granting of a marriage license where either party is an habitual drunkard, epileptic, imbecile or insane, or where the applicant at the time of making application is under the influence of any intoxicating liquor or narcotic drug.

Va. '03 ch.427 (ex. sess.) makes new provisions as to issuing marriage license and prohibits also marriage of a woman with the husband of her brother's or sister's daughter.

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<sup>1</sup> See also Index of Legislation, 474.



## Divorce

☐ **Alimony. Division of property.** N. Y. '04 ch.318 amends C. C. P. §1772 relating to enforcement of a judgment for divorce or separation rendered in another state, on the ground of adultery, on which an action has been brought in New York and judgment rendered therein, requiring husband to provide for wife's support and the education and maintenance of the children; other security failing, his property may be sequestered, and placed in the hands of a receiver. N. Y. '04 ch.399 amending C. C. P. §1771 relative to the support of the plaintiff wife after final judgment in an action for divorce, gives power to the court to annul such final judgment on proof of remarriage of plaintiff.

**Soliciting divorce business.** Va. '03 ch.374 (ex. sess.) makes it a misdemeanor with pecuniary penalty and disbarment to solicit divorce business.

**Trials. Procedure.** Ala. '04 ch.489 limits right of appeal in divorce cases to 60 days from date of decree and forbids either party to marry within such period or during the pendency of the appeal.

Va. '03 ch.406 (ex. sess.) amending C. §3207, 3208, requires publication of notice on person not residing in the state to be in a newspaper published in the city or county where the proceedings are held.

## Family property

**Dower. Curtesy.** Ia. '04 ch.121 amending C. §3376, provides that the court may elect for the surviving insane spouse whether to accept a distributive share of an estate, under a will.

Md. '04 ch.151 amending C. art. 45, §7, provides that the statute and common law of the state as to wife's dower is to be applicable to and known as the husband's dower unless such construction would be unreasonable.

Va. '03 ch.460 (ex. sess.) empowers the court, on bill filed, to decree a sale of the real estate of a tenant by the curtesy or in dower, and to invest the proceeds for the benefit of the parties interested.

**Property rights of married women.** N. J. '04 ch.21 authorizes any married woman having power to sell real estate as executrix, administratrix, trustee or guardian to make conveyance thereof without joining her husband therein, in the same manner as if she were feme sole. N. J. '04 ch.192 authorizes any married woman to convey, assign, release, discharge or receipt for her personal



property without the concurrence of her husband, with provision for recording, after acknowledgment, in the same manner deeds of real estate are acknowledged.

**Rights when wife or husband is insane.** Ia. '04 ch.495 amending C. §3167, 3169, provides that on the insanity of either spouse the other may petition for leave to convey or mortgage the insane party's interest in real estate, and on hearing such petition, the court may enter a decree authorizing such deed or mortgage.

**Support of family.** Md. '04 ch.44 amending C. art. 27 §47A relating to desertion of wife or child, makes such desertion a misdemeanor punishable by fine, imprisonment or both, and authorizes the court to suspend the sentence and to place the defendant on probation for one year on his entering into a recognizance to make certain weekly payments to the wife, the recognizance to be void if forfeited.

N. J. '04 ch.166 amending '80 ch.95, '01 ch.125, makes neglect of minors by any person having control of them a misdemeanor punishable by fine, and authorizes the court to suspend the judgment on defendant's entering into a bond to make certain stipulated weekly payments to a humane society for such minor's care during minority *or for such shorter term as the said justice or magistrate may direct*. N. J. '04 ch.202 amending '03 ch.216, makes it a misdemeanor to desert wife or minor child (formerly, and to leave the state) punishable by fine or with or without hard labor, not to exceed one year.

Va. '04 ch. 111 makes it a misdemeanor punishable by imprisonment not exceeding one year to desert wife or minor children without just cause, or wilfully to neglect to provide for them; but the court may order defendant to make weekly payments for not more than one year for their provision or may release him on probation with or without sureties. In case of subsequent failure to provide the defendant may be tried or sentenced, and the forfeiture under the recognizance may be applied for such provision. Exclusive original jurisdiction is given to the Corporation or Hustings Court in cities and to the Circuit Court in counties.

**Children: adoption, custody, legitimation.** Mass. '04 ch.163 amends R. L. ch.145 §4 relative to the custody of minor children by requiring the consent in writing of the parent or parents to an order that a guardian shall have the custody of a child. Mass. '04 ch. 302 amending R. L. ch.151 §2 relative to the adoption of children adds that illegitimacy shall not be expressly averred on the record.



Va. '03 ch.430 (ex. sess.) amends C. § 2552 by providing that the child of parents, one or both of whom were slaves during cohabitation, recognized by the father as his child and whose mother he recognized as his wife, shall inherit from the father as though born in lawful wedlock.

**Change of name.** Ala. '03 ch.438 makes it a misdemeanor punishable by fine not to exceed \$500 for any person, except as provided by law, to change name with intent to defraud, to avoid payment of debt or to conceal identity.

Ia. '04 ch.127 revises the laws regulating change of name. It provides for a statement under oath that the affiant has been a resident of Iowa for not less than one year. The statement shall also give residence and changes thereof for last five years; place and date of birth and of immigration, if an immigrant; name of parent; height; color of eyes and hair; cause for change of name; and a concise description of all his real estate. A confirmatory affidavit by a freeholder of the same county is also required. The statement shall be recorded, and the affiant's real estate shall be reindexed.

Md. '04 ch.25 amends C. art. 16 §95 relating to procedure for change of name. A petition must be filed stating the change desired and reasons therefor, on hearing of which the court may decree such change. Such a petition may be filed on behalf of any infant residing in the state by the father or mother, or if dead, by the guardian.



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**REVIEW OF LEGISLATION 1904**

**LEGISLATION BULLETIN 25f**

**GENERAL CORPORATION LEGISLATION**

**EDWARD DANA DURAND PH.D., OF THE UNITED STATES  
BUREAU OF CORPORATIONS.**

The legislation of 1904 contains little that is of wide-reaching importance regarding the organization and conduct of corporations generally, or of "business corporations" in particular.

The Legislature of **Virginia** had already in 1903 passed a very complete and carefully framed statute ['03 ch.270] concerning stock corporations, with special provisions as to banks, insurance companies and a few other classes. It had created a "corporation commission" for enforcing this law, and had likewise given the commission extensive power over railroads and other public service corporations<sup>1</sup>. During 1904 the state adopted an elaborate law ['04 ch.609] regulating public-service corporations, specially in their external relations, the matter of their internal organization and administration being covered by the statute of 1903. The act applies to railroads, street railways, canals, steamboats, express, telegraph and telephone service, heat, power, light, gas and water supply, cold storage, and concerns operating bridges or conduits. A further statute regulates the exercise of the right of eminent domain by such corporations ['04 ch. 608]. All of the provisions of these two laws fall properly under other sections of this Review. It is sufficient to point out here that Virginia is undertaking her corporation legislation with unusual seriousness and progressiveness, and that her new laws are among the best to be found in this country in their combination of extensive corporate powers and autonomy as to internal details on the one hand, with extensive legislative and administrative regulation by the state for the protection of investors and the public on the other hand.

Another extensive enactment is the new general incorporation law of **Alabama** ['03 ch.395]. This state had formerly a dozen or more titles in its code concerning as many classes of corporations. Most of these titles contained extensive provisions as to the method of incorporation and government. This arrangement, which persists in many states, caused much needless repetition, but on the

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See Review of Legislation, 1903, f1-f8.



other hand left many needless differences among the laws. The present statute includes all classes of stock corporations, the more general provisions applying to all alike, while special provisions cover the peculiar conditions of particular kinds of corporations, such as banks, insurance companies, railroads etc.

In a general way the Alabama act follows the lines of the previous legislation of this state. In some measure, however, it increases the scope of corporate activities, and grants the corporations greater autonomy in their organization and administration. Almost nothing has been added in the way of restrictions for the protection of investors or other persons affected by the action of corporations. Among the new provisions are the following: meetings of directors may be held outside the state, and so may stockholders' meetings provided all the stockholders living in Alabama consent. But the corporation must have a "principal office" and agent in the state, with whom must be filed copies of the records of all meetings of directors or stockholders. Corporations may hold the securities of other corporations wherever they may be organized, except that no telegraph or telephone company shall acquire a controlling interest in the stocks of another such company. The new law authorizes consolidation of two or more corporations regardless of the character of their business, but banks and insurance companies shall not consolidate except with companies doing the same class of business, and parallel railroads may not consolidate. The procedure provided for consolidation, as well as that for voluntary dissolution, presents no unusual or interesting features.

By the former law of Alabama the amendment of articles of incorporation required a vote of three fourths of the entire number of stockholders and of two thirds of the shares. This unusually large proportion now gives place to the opposite extreme, a bare majority of the number of shares being sufficient to adopt an amendment. Formerly proxy-voting could be provided for by the charter or by-laws of a corporation; by the new law it is the privilege of all shareholders without such special provision.

The new statute of Alabama follows the old with respect to the method of paying for stock. Another important provision taken from the former law gives stockholders the right to examine the books, records and papers of the corporation, a privilege not accorded by the laws of some of our leading states.

The general corporation law of **Arizona**, which has heretofore been very much lacking in details, as compared with the laws of the



eastern states, has been made slightly more precise by an amendment of recent date ['03 ch.88]. In addition to the very limited contents formerly prescribed for articles of incorporation, they must now set forth the amount of stock and the time and conditions of payment for it; the designation of the officers and the time of their election; the limit of authorized indebtedness or liability; and whether the property of shareholders is to be exempt from corporate debts. This last provision is somewhat unusual, the customary practice being to declare by statute that stockholders are not liable except for unpaid subscriptions.

The corporation laws of **Kentucky**, which had already authorized the classification of shares, were amended in 1904 ['04 ch.105] by establishing the procedure to be followed by a corporation having only common stock in order to convert part of it into preferred stock. The consent of two thirds of the shares is required. There is no restriction as to the proportion of the different classes of stock.

One of the most important corporation measures of 1904 was that passed by **New Jersey** ['04 ch. 143] regarding the liability of directors for the payment of unearned dividends and the consequent impairment of capital. Formerly in this state the directors responsible for the declaration of such dividends were liable to stockholders, as well as to creditors, to the full amount of the dividends paid otherwise than from surplus or net earnings. The amendment makes the directors liable to stockholders only to the "full amount of any loss sustained by such stockholders" by reason of such dividends; and in case of insolvency the liability to creditors is limited to the amount of loss sustained by the corporation. Though the amended provision is more stringent than those found in many states where stockholders have no recourse against such abuses, the change is likely largely to destroy the effectiveness of the provision because of the difficulty of proving the exact amount of loss sustained by the stockholders or the corporation on account of the payment of unearned dividends. The simplicity of the former rule made it effective. Having recently been upheld by the courts of New York and New Jersey in important suits against the American Malting Co., the former statute bade fair to check in some measure the too common practice of paying dividends out of capital in order to inveigle investors into buying shares at inflated values from directors and promoters of corporations.

In **New York** an amendment to the general corporation law ['04 ch.737] permits the members of a corporation through by-laws



to fix a quorum of the board of directors at less than a majority—the previous limit—but not less than one third of their number.

A Louisiana amendment ['04 ch.18, virtually amending 1890 ch.36] permits corporations organized under general law to carry on different branches of business, whether related or not, but this does not apply to banking, insurance or business involving the exercise of eminent domain.

In South Carolina the law formerly gave to foreign corporations the same privileges as were granted to citizens of other states or foreign countries. This has been amended ['04 ch.247] so that such corporations have the same powers as domestic corporations of the same class.

Other legislation of 1904 with regard to general corporations was unimportant in character, and the same is true of the legislation regarding corporations not for profit.



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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 258

**COURTS AND PRACTICE OF LAW <sup>1</sup>**

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**Courts**

**Tenure and term.** During the period under review the only measure of importance affecting the tenure of judges was the amendment proposed to the Constitution of Louisiana ['04 ch.137] which was adopted in November last. Under the provisions of this amendment the justices of the Supreme Court are to be elected instead of being appointed by the governor with the consent of the Senate. A vacancy in the office of a Supreme Court justice is to be filled by the selection by the court of a judge of one of the Courts of Appeal who holds till the next congressional election when the vacancy is filled by election. Further evidences of the tendency, which has appeared in Louisiana since the adoption of the Constitution of 1898, to substitute elective tenure for appointment by the governor, are to be seen in four other constitutional amendments ['04 ch.138-41] proposed at the same session and adopted in November 1904, which provide that vacancies in the offices of sheriff, clerk of the District Court, district attorney, and judge of the District Court respectively shall be filled by special election if the unexpired portion of the term exceeds one year. Formerly the vacancies had been filled for the remainder of the term by appointment by the governor.

During 1904, the only legislation of importance affecting the term of judges was the adoption in Colorado of the constitutional amendment, proposed in 1903, which increases the term of judges of the Supreme Court from 9 to 10 years ['03 ch.73].

**Compensation.** During 1904 a few examples appeared of the tendency to increase judicial salaries which was noticed in the last Review. Georgia ['04 p.72] increased the salaries of judges of the Supreme Court from \$3000 to \$4000 and of judges of the Superior Court from \$2000 to \$3000 but, in accordance with the provisions

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<sup>1</sup> See also Governors Messages and Index of Legislation, 590.



of the Constitution [art. 6 § 13 ¶ 2] the increases will not apply to the judges now in office till the expiration of their present commissions. By the same act each of such judges is forbidden, under penalty of impeachment, to receive for himself or any member of his family any pass or other favor, not enjoyed by the general public, from any railroad, express, telegraph or telephone company or similar quasi public corporation. In Mississippi, Governor Vardaman recommended [Governors Messages, 601d] the increase of judicial salaries so "that the best legal talent of the state may be transferred from the bar to the bench, without personal pecuniary sacrifice," but no legislative action resulted. In Ohio, the salaries of the judges of the Supreme Court and Supreme Court Commission, which were increased in 1900 from \$4000 to \$5000 and in 1902 to \$6000 were again raised in 1904 ['04 p.556] to \$6500. By the same act the salaries of the judges of the Common Pleas and Superior Courts, payable out of the state treasury, were increased from \$2600 to \$3000 and provision was made for an additional salary for each of such judges, varying according to the population of the county in which he resides, but not to be less than \$1000 nor more than \$3000, payable out of the treasury of the county or counties forming the judicial district in which he has jurisdiction. Another act passed at the same session ['04 p.530] increased the salaries of judges of the Circuit Court, payable out of the state treasury, from \$4000 to \$6000 but provided that such judges should no longer receive any additional compensation out of any county treasury. As against the general tendency it is to be noted that in Wyoming, the constitutional amendment, proposed in 1903 ['03 p.152], which provided increases in the salaries of judges of the District and Supreme Courts, was rejected by the people in November 1904.

The increase in the compensation of judges is designed to attract a high grade of legal ability to the bench. In some states provision for judicial pensions contribute to the same result. In Maryland, this principle was adopted in an act ['04 ch.236] which provides an annual payment of \$2400 for judges of the Court of Appeals, Circuit Courts and the Supreme Bench of Baltimore city, who shall attain the age of 70 years while in office after having served the 10 preceding consecutive years. Judges who have served 15 consecutive years are entitled to the pension when they reach the age of 70 years though no longer in office at that time. The benefits of the pension apply to former judges no longer in office who have attained the age of 70 years, irrespective of length of service.



**Supreme court.** During the period under review the necessity for relieving the overcrowded dockets of the Supreme Courts in several states led to provisions for increases in the number of judges and for the division of the court into sections for facilitating the determination of cases. In Alabama ['03 p.493] the number of associate justices of the Supreme Court was increased from four to six and provision was made for sections of the court each consisting of four judges to be constituted from time to time by the chief justice who, so far as practicable must be a member of all sections. A section can not modify a former adjudication of the court without consultation with the court as a whole and whenever a judge dissents from a decision of a section the case must be determined by the court *en banc*. In Colorado, an amendment to the Constitution, proposed in 1903 ['03 ch.73] and adopted in November 1904, increases the number of judges of the Supreme Court from three to six and authorizes the court to sit in divisions. The same amendment abolishes the existing Court of Appeals. During 1904 the New York Legislature proposed a number of constitutional amendments which are designed to relieve the overcrowded calendars of the Supreme Court [see below, "Other intermediate courts"]. One of these ['04 p.1936] contains provisions affecting the Court of Appeals which, in New York, is the highest court. It proposes to authorize the Legislature to increase the number of judges of the Court of Appeals not to exceed a total of 11, provided two thirds of the members of each branch of the Legislature agree to such increase. If the amendment is adopted the Legislature will also have the power to provide for two divisions of the court and to fix the quorum and the number whose concurrence shall be necessary to a decision. On the other hand it is to be noted that an amendment proposed in 1903 in Arkansas ['03 p.482] increasing the number of associate justices of the Supreme Court from four to five was rejected by the people in 1904.

**Intermediate appellate courts.** After a contest extending over six years California has adopted the plan of intermediate courts of appeal. The constitutional amendment proposed in 1903 ['03 p.737] which was adopted in November 1904, divides the state into three judicial districts, each presided over by a District Court of Appeals consisting of three judges elected for terms of 12 years. The jurisdiction of these courts and the resulting modification of the jurisdiction of the Supreme Court were described in the Review for 1903. The existing Supreme Court Commission is abolished by this amendment. In Louisiana there are five intermediate Circuit



Courts of Appeal in addition to one whose jurisdiction is limited to the city of New Orleans. Article 99 of the Constitution adopted in 1898 provides that after July 1, 1904, each of these five courts shall be composed of two District Court judges to be designated by the Supreme Court. Governor Blanchard stated [Governors Messages, 601b] that the bench and bar, with practical unanimity, concur in the view that the courts as thus constituted will not meet the requirements of the situation and that the demand is strong and urgent for a more satisfactory intermediate appellate court between the District Court and the Supreme Court. Later, he sent a special message [*ibid.* 601c] urging the adoption of certain constitutional amendments which were intended to remedy the situation. The Legislature ['04 ch.2] made provision for securing statistics relative to the number of cases filed, dismissed, decided and still pending in the Circuit Courts of Appeal. This information must have been convincing as the Legislature by the necessary two thirds vote submitted an amendment ['04 ch.132] to the Constitution which proposed to reduce the number of Courts of Appeal to three. A few parishes were to be included in the jurisdiction of the Circuit Court of Appeal for New Orleans. The remaining parishes were to be divided into two circuits and each circuit into three districts. Each district was to elect one judge of the Circuit Court of Appeal. This amendment, however, was rejected by the people in November 1904. In Colorado, as noted above, the adoption in November 1904, of the constitutional amendment, proposed in 1903 ['03 ch.73] abolished the Court of Appeals of that state.

**Supreme court commission.** No new supreme court commission was created during the period under review and, as a result of the adoption of the constitutional amendment in California ['03 p.737] creating three Courts of Appeals, the Supreme Court Commission of that state has been abolished. In New York, however, there appears a tendency to apply the principle to trial courts. Under a constitutional amendment ['04 p.1933] which was referred to the next Legislature, the Court of Appeals may authorize the appointment of a number of trial commissioners for any county with a population of over 500,000, in which, on account of the accumulation of business, unpreferred causes on the trial calendar can not be reached for trial in due course within one year. The necessity for such action must be certified by the appellate division of the Supreme Court of the department in which such county is embraced and, after authorization by the Court of Appeals, such appellate division appoints the number of trial commissioners for such term,



not exceeding six years, as has been authorized. The trial commissioners are given the powers of a justice of the Supreme Court so far as applies to the trial term calendar and settlement of cases on appeal but their jurisdiction is limited to the county for which they are appointed. However, another amendment, proposed at the same session ['04 p.1938] will, if adopted, authorize the appellate division of the department to designate one or more of such commissioners to hold trial terms of the Supreme Court within said department.

**Other intermediate courts.** The above provision respecting Supreme Court commissioners in New York represents an effort to relieve the situation growing out of the overcrowded condition of the calendars in the 1st and 2d judicial districts of the Supreme Court to which attention was called in the last Review. The commission, authorized by the Legislature in 1902 [ch.485] to examine into the law's delays in these districts, made its report in 1904 [Governors Messages, 601e]. In addition to the above proposed amendments respecting trial commissioners, two other constitutional amendments respecting the Supreme Court were referred to the next Legislature. One ['04 p.1931] authorizes a justice of the appellate division, when not actually engaged in acting as such, to exercise any of the powers of a justice of the Supreme Court in any county or judicial district not embraced in the judicial department to which he may be designated. The other amendment, in addition to provision for increases in the number of justices of the Court of Appeals [*see above*, "Supreme court"], authorizes the Legislature, by a two thirds vote of the members elected to each house, to increase the number of justices of the Supreme Court. In this connection it should be noted that a constitutional amendment, proposed in 1902, repassed in the following year ['03 p.1452] and which will be submitted to the vote of the people in November of this year, authorizes the Legislature to increase the number of justices in any Supreme Court judicial district not to exceed one for each 60,000 or fraction over 35,000 of the population thereof except that in the 1st and 2d judicial districts the number shall not be more than one for each 80,000 or fraction over 40,000 of the population thereof. In addition to the proposed constitutional amendments, two acts were passed to facilitate the disposition of business at the trial term of the Supreme Court. Under the provisions of one act ['04 ch.474] the appellate divisions of the Supreme Court may provide rules for making up the calendar in each county of their respective depart-



ments and for the classification for purposes of trial, of actions placed on such calendar. The other act ['04 ch.500] provides that in counties in which there are two or more parts of the Supreme Court at trial term, one or more parts shall be reserved for the trial of actions on sales of personal property, including agreements incident to such sales, on policies of insurance and on negotiable paper.

In a number of other states legislation was enacted to facilitate the disposition of business by intermediate courts, generally by increasing the number of judges and rearranging judicial districts. In Alabama ['04 p.566] the number of judicial circuits was increased from 13 to 17 and a redistribution of the counties into circuits was made. Kentucky ['04 ch.14] redistricted its Appellate Court districts. In Louisiana an amendment to the Constitution was proposed ['04 ch.29] providing for two district judges instead of one in the first judicial district but this amendment met the fate of the one proposed at the same session, relating to Circuit Courts of Appeal, being rejected by the people in November 1904. Mississippi ['04 ch.82] increased its Chancery Court districts from seven to eight and rearranged the counties accordingly. In New Jersey an act ['04 ch.29] was passed increasing from three to four, the number of special judges appointed to hold the Circuit Court in the respective counties in the absence of a justice of the Supreme Court. Moreover, an important means of facilitating the business of the former courts is provided in an act ['04 ch.250] which vests in the Supreme Court the power of determining the county or counties which shall compose the several judicial circuits and of changing such composition from time to time, instead of having such determination made by legislative act. Governor Heyward of South Carolina called attention [Governors Messages, 601g] to the congested condition of the calendars of the Circuit Courts and criticized the provision, adopted in 1900 [ch.186] for special courts, on the ground that it is unwise so make a temporary judge out of a practising attorney. He recommended the abolition of the act for special courts and the creation of at least two additional circuits but the Legislature failed to respond with the requisite legislation. In Virginia, the Legislature at a special session, reorganized the Circuit Courts in accordance with the Constitution of 1902 and passed a series of acts to bring the statutes in conformity with such reorganization [Index of Legislation, 601e]. One act ['03 ch.495 (ex. sess.)] reenacts §94 of the Constitution which increases the number of judicial circuits from 17 to 24. Two other acts ['03



ch.401,515 (ex. sess.)] vest in the Circuit Court the jurisdiction formerly possessed by the County Court. In Florida, the constitutional amendment proposed in 1903 ['03 p.637] requiring a judge of the County Court to be an attorney at law was rejected in November 1904.

**Municipal and police courts.** In South Carolina, the right to establish municipal courts, which was restricted to cities possessing a population of over 20,000, was granted to cities between 4000 and 20,000 population ['04 ch.214]. In Virginia, under the provisions of §98 and 99 of the Constitution of 1902, the cities of the state were divided ['03 ch.433 (ex. sess.)] into two classes, the first class possessing a Corporation Court, the second class possessing only such municipal courts as were in existence at the time the Constitution went into effect, which courts may be abolished by a vote of a majority of the qualified electors of such cities. Another act ['03 ch. 542(ex. sess.)] provides that the Corporation Court shall appoint one police justice for each city of the first class whose charter makes no provision for a police justice.

**Justices of the peace.** In Virginia, an act ['03 ch.577 (ex. sess.)] was passed authorizing every city whose charter makes no provision for a justice of the peace, to elect one justice for a term of four years. Another act ['03 ch.385 (ex. sess.)] makes the state liable for one half of the unpaid fees in Justices Courts.

**Public prosecutor.** An Alabama act ['03 p.283] provides that a justice of the peace who is also county solicitor may not issue a warrant of arrest returnable to any court in which it is his duty to prosecute. Governor Jennings of Florida called attention [Governors Messages, 687a] to the necessity for more prosecuting officers and recommended a constitutional amendment creating a state's attorneyship in each senatorial district instead of each judicial district as at present. The Legislature failed to carry out this recommendation. A similar result attended the recommendation of Governor Montague of Virginia [*ibid.* 601h] that each commonwealth attorney be required to make periodical reports to the attorney general giving the style of every cause, civil or criminal, wherein the commonwealth is a party, together with the disposition of the case, in order that the people may "be enabled to know with what expedition the laws are enforced, and in what proportion crimes exist."

### Practice of law

**Admission to bar.** During the period under review there was no important legislation affecting admission to the bar. A Virginia act



[ '03 ch.447 (ex. sess.)] permits persons over 19 years of age, who have studied law two years, to take the bar examination but no certificate to practise can be issued to such persons till they have attained the age of 21 years.

**Attorney's lien for fees.** Another Virginia act [ '04 ch.147] provides that where a person, having a right of action sounding in tort or for unliquidated damages on contract, agrees with an attorney to prosecute the same, the latter shall have a lien on the cause of action for his fees which shall be binding on the opposite party after written notice thereof.

**Practice. Limitations.** In Kentucky, an act [ '04 ch.20] prohibits clerical assistants in the Court of Appeals from practising law in such court. A Louisiana act [ '04 ch.135] includes employees of the clerk or deputy clerk of the court, sheriff or deputy sheriff among those who are forbidden to appear or plead in any court of the state. In Mississippi [ '04 ch.138] the law partner of a justice of the peace is forbidden to appear as attorney in any case coming before such justice, and another act [ '04 ch.146] makes it unlawful for the partner of a district attorney to defend any person in any court when it is the duty of such district attorney to prosecute such person.



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**REVIEW OF LEGISLATION 1904**

**LEGISLATION BULLETIN 25h**

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Taxation	Frank A. Fetter
Inheritance Tax	Max West

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**TAXATION<sup>1</sup>**

**FRANK A. FETTER PH.D. PROFESSOR OF POLITICAL ECONOMY AND  
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To make comparison simpler we shall follow in general the order of the review of taxation in 1903, considering the general property tax, the separation of state and local taxes, changes in assessment, and exemptions; then under special forms of taxation other than the general property tax, first the few special forms of taxation of individuals, and second, special forms of taxation of corporations.

**General property tax**

**Criticism and improvement.** Four of the governors (New Jersey Oregon, West Virginia, Wisconsin) made taxation the subject of special messages to the Legislature. The governor of Oregon merely urged the need of revision in view of the "confusion worse confounded." The governor of Rhode Island recommended that as a basis for apportioning the state tax be taken the actual expenditures of the several towns and cities. The governor of Mississippi has nothing better to suggest in the way of improvement than the enactment of rigid laws enforcing full and complete assessment. The year ended, however, without any changes in the general property tax laws of the states other than the comparatively minor ones to be mentioned later under the heads of exemptions and corporations.

**Separation of state and local taxation.** The governor of West Virginia sent a special message to the extra session called to consider the subject, but no legislative action appears to have been taken. The governor of New Jersey expressed his doubts of the advantages of having no state tax, believing that the blessings and benefits of government would be more highly appreciated if every citizen were required to pay at least a poll tax. The principle of separation suffered in Iowa under a strong adverse decision

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<sup>1</sup> See also Governors Messages and Index of Legislation, 800.



of the Supreme Court [*Layman v. Iowa Telephone Co.*, Ap. 1904] which strongly reaffirms the proposition that under the Constitution of Iowa there can be no separation of the sources of state and local taxation, and that telephone companies, as in this case, may not be exempted from local taxation on personalty while taxed for state purposes. To the same effect the Supreme Court of Nebraska decided that it is unconstitutional in that state to exempt personal property of foreign insurance companies [*State v. Insurance Co. of North America*, 100 N. W. 405]. This decision, while affecting immediately a very small amount of property, showed the difficulty, and indeed impossibility, of revising the old general property tax in some states under their present constitutions.

**Central assessment.** West Virginia provided ['04 ch. 15] for the reassessment of all real estate by one commissioner in each county. The plan of central assessment of some kinds of property by a state board made some progress. The governor of Florida recommended the creation of a state board of equalization, and the governor of Georgia called attention to the need of better equalization both in the counties and in the state. West Virginia created the office of state tax commissioner ['04 ch.4] for the term of six years, salary \$4000, with \$1000 for expenses, no one to be eligible for reappointment. New Jersey ['04 ch.180] gave to the state board power to correct assessments on application of property owners. Kentucky empowered the state railroad commissioners ['04 ch. 41] to assess railroad bridges spanning the state boundary line. Ohio ['04 p.572] provided for the assessment of interurban electric railroads by a board consisting of the auditors in the group of counties in which the road lies, the apportionment of the total value among the counties to be by mileage; and also provided a state board of equalization for electric railroads. A setback was given to the method of central assessment in Utah by a decision of the Supreme Court [*State v. Eldridge County Assessor*, Ap. 1904] which interpreted the constitutional provision on local self-government as forbidding the central state assessment of public franchises situated wholly within one county, thus limiting the possible developments of franchise taxation in that direction.

**Exemptions.** New York ['04 ch. 438] extended to all the towns the requirement to report exempt property to the State Board of Taxation, so that it soon will have a complete list of the exempted property in the state. The exemptions from the general property tax as before fall under the five general classes of property or citizens as follows:





1 Exemption of public property. Ohio ['04 p.115] exempted public monuments and the land on which they stand.

2 Exemption of special industries or persons for the encouragement of certain businesses or acts. The governor of Louisiana recommended continuing for a period the exemption of newly built railroads for the term of 10 years. Maryland ['04 ch.212] exempted from the franchise tax savings banks with a capital of \$20,000. Virginia ['04 ch.148] exempted from the franchise tax telephone companies with less than \$5000 capital. California, at the November election, rejected the proposed constitutional amendment exempting ships and shipping.

3 Exemption of fraternal, charitable, educational and religious interests. The governor of Georgia recommended the exemption of college endowments. California, at the November election, adopted the constitutional provision exempting the California Academy of Sciences from taxation. South Carolina ['04 ch.252] exempted confederate veterans from business licenses. Virginia ['04 ch.100] exempted some persons conducting business at religious gatherings.

4 Exemption of tangible personal property to a limited amount. California in November adopted the constitutional amendment exempting personal property of householders to the amount of \$100. Oregon ['03 p.28] exempted the personal property of householders to the amount of \$300.

5 Exemption of credits and loans and other intangible personality. Ohio ['04 p.652] submitted a constitutional amendment exempting state, local government and school bonds from taxation. Mississippi ['04 ch.94] exempted all bonds of levee districts of the state from all taxation within the state. New Jersey ['04 ch.112] amended the mortgage tax law (which had permitted the mortgagor to credit on interest payments for the amount of tax paid proportionate to the mortgage) by allowing the parties to agree that no deduction shall be made by reason of the mortgage. The governor of New York, in his message, discussed the inequalities in the administration of the existing mortgage taxation, but the Legislature took no action during the period under review.

### Special forms of taxation

**Special taxation of individuals.** When the general property tax for state or local purposes is departed from, it is by imposing some special forms of taxation either on individuals or on corporations. Of the first kind, there are only to be noted a few business taxes



imposed by four of the Southern States. Alabama ['03 p.184] generally amended her revenue laws, the principal changes being in the details of some of the privilege or license taxes. Most important is the change of the license tax on express companies from the former basis of mileage to a uniform privilege tax of \$4000, with the permission of municipal licenses graded by population. Kentucky ['04 ch.54] removed the license tax from dealers in mineral waters and ['04 ch.129] on manufacturers of tobacco. Maryland ['04 ch.485] imposed on gipsies a license of \$50 for each county, and Virginia ['04 ch.69] a license of \$500 for each county. A decision of the federal court [191 U. S. 441, 1903] declared unconstitutional, as an interference with interstate commerce, the tax in North Carolina on the sale of sewing machines sent C. O. D. into the state.

**Corporation taxes.** The governor of Virginia speaks of the good results of the new corporation taxes in that state and the adequate revenues they have yielded. The governor of Florida urged a constitutional amendment authorizing a license tax on all corporate franchises. The governor of New Jersey notes the falling off of fees, resulting evidently from the more liberal laws of incorporation of neighboring states, notably New York.

Maryland ['04 ch. 212] removed the franchise tax of  $\frac{1}{4}\%$  on deposits from savings banks with a capital over \$20,000 and receiving only time deposits. Kentucky ['04 ch. 66] provided for the assessment of the shares of national banks under the general property tax, in harmony with the federal statutes on this subject.

Only two measures affecting insurance companies appear to be of importance. South Carolina ['04 ch.274] imposed a tax of  $\frac{1}{16}\%$  on the receipts of insurance companies, apparently in place of the general property tax on the gross receipts of foreign companies and on the total taxable property of domestic companies. New York ['04 ch.708] reduced from 2% to 1% the tax on premiums to be paid by life insurance companies organized outside of the United States on which a tax had not been paid in any other state. The decision referred to under separation of state and local taxation, shows the constitutional difficulty of substituting in Nebraska and some other states, a special corporation tax for the general property tax in the case of insurance companies.

The taxation of public service corporations shows a very few changes. The governor of Florida urged the need of taxing the franchises of such corporations, but no legislation appears to have resulted. Minnesota voted in November to increase the gross



earnings tax on railroads from 3% to 4%. Alabama ['04 p. 184], as noted under business taxes, changed the privilege tax on express companies, which by the law of 1893 was graded according to mileage, no local tax except on tangible property being allowed, to a state tax of \$4000, with the permission to localities to charge a privilege tax graded by population. The federal court [191 U. S. 171 (1903)] declared unconstitutional as a regulation of interstate commerce the law of Tennessee which imposed a car tax on sleeping cars.

To sum up, it may be said that the amount of important legislation on this subject was less in 1904 than in either of the two years preceding. In the summary of legislation on taxation appear only about one half as many items as in 1903, about a dozen of the some 130 subjects mentioned being judicial decisions and about 120 being legislative enactments. Nearly all of these are of a minor nature, affecting the duties of officers and the forms and modes of procedure rather than the principle of taxation.

The laws on general property taxes for state and local purposes remained almost unchanged. No steps were taken in the direction of the separation of the sources of state and local taxation which precept and practice have so strongly favored of late; two court decisions in western states move in the other direction. The compensation of local assessors and the modes of local assessment were not materially changed, but the plan of central state assessment made some advance. Exemptions were about as usual both in kind and in number, relative to the number of Legislatures in session, the most important items probably referring to intangible personalty. The changes in business taxes were of slight note and the innovations in corporate taxation were the least significant in many years; only a few measures were passed and not one appears to be of even second-rate importance.

Altogether the year 1904 was remarkably quiescent in matters of taxation. As compared with the year previous this is partly explained by the fact that only about one third of the number of Legislatures meet in the even year; but even as compared with 1902 the difference is striking. After a period of considerable activity in revision, the states apparently are stopping to observe the results and awaiting further light on the question. It is further noteworthy that not a single special state tax commission reported in the course of the past year.



## INHERITANCE TAX<sup>1</sup>

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The most important piece of inheritance tax legislation during 1904 was the passage of the Ohio statute ['04 p.398] imposing a tax of 2% on direct inheritances, in so far as they exceed \$3000. This takes the place of the ill-fated progressive direct inheritance tax of 1894, which was declared unconstitutional by the state Supreme Court the year after its adoption;<sup>2</sup> and in order to avoid the broadly construed provisions of the Ohio Constitution relative to taxes on property, the new law is prudently designated "an act to impose a tax upon *the right* to succeed to, or inherit, property." The tax applies to the decedent's parents, husband or wife, brothers and sisters, nieces and nephews, lineal descendants, adopted children and their descendants, sons-in-law and daughters-in-law; more distant relatives being subject to the collateral inheritance tax of 5%.

There is a discount of 1% for each full month payment is made prior to the expiration of a year from the decedent's death—an exceptionally strong inducement to pay promptly. If the tax is not paid into the state treasury within one year after the decedent's death, interest is thereafter charged at the rate of 6%; and after 18 months it is the duty of the prosecuting attorney of the county, on the direction of the attorney general and information of the auditor of state, to institute the necessary proceedings for collection.

Within 10 days after the filing of the inventory, the probate judge is required to forward a copy to the auditor of state, with the appraisal of the estate. Executors, administrators etc. are required to inform the probate judge regarding real estate subject to the tax. The actual market value of the property is to be determined by the Court of Probate, which, on the application of the state or any interested party, will appoint three appraisers and fix their fees. The value of annuities and life estates is to be determined by the actuaries' combined experience table, at 5% compound interest. The fees of probate judges and of appraisers are to be paid by the auditor out of the taxes received.

The West Virginia collateral inheritance tax was elaborated ['04 ch.6] by distinguishing three classes of taxable relatives. In place of the former uniform rate of 2½%, the decedent's brothers and sisters now pay 3%, his grandparents 5%, and more distant

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<sup>1</sup>See also Governors Messages and Index of Legislation, 836.

<sup>2</sup>See Journal of Political Economy, 6:438 (Sep. 1898).



relatives and strangers  $7\frac{1}{2}\%$ . Bequests for public purposes are exempt; but the former exemption of estates of less than \$1000 is omitted from the new law. The administrative provisions are also much changed and elaborated. The tax is made payable to the state treasury on the assessment of the state tax commissioner, to whom quarterly reports are made by the clerks of the county courts. Double taxation by conflicting jurisdictions is avoided by reciprocal provisions.

The Louisiana Constitution of 1898 authorized the Legislature to levy, for the support of the public schools, a tax on inheritances, legacies and donations, not to be enforced when the property donated or inherited has borne its just proportion of taxes prior to the time of such donation or inheritance. The rates were limited to 3% for ascendants and descendants, and 10% for collaterals, with exemptions in favor of amounts less than \$10,000 going to ascendants or descendants, and bequests to educational, religious and charitable institutions. The Legislature has now ['04 ch.45] faithfully carried into effect these provisions of the Constitution by imposing such a "special inheritance tax" at the maximum rates. It is made the duty of probate judges to require satisfactory proof that an estate is not liable to the tax before placing the heirs in possession. In cases where the tax appears to be due, it must be paid to the tax collector of the parish, and the receipt presented to the judge. It is made the duty of parish school superintendents (and of the president of the school board in New Orleans) to see that the act is carried out, and they may call on district attorneys to take legal proceedings to enforce it. The resultant funds are not to be budgeted against till the end of the year, "this being an uncertain and contingent source of revenue."

The Iowa collateral inheritance tax was amended ['04 ch.51] by the introduction of discriminating rates against nonresident aliens, who are now taxed 20% (four times the usual rate), except that if they are brothers or sisters of the decedent the rate is 10%.

In Maryland the lien of the collateral inheritance tax was limited to four years ['04 ch.222]. Governor Bates of Massachusetts recommended the extension of the inheritance tax to direct heirs, but the only change adopted by the Legislature was one relating to the settlement of taxes on the interest of unascertained persons taking property under power of appointment ['04 ch.421]. The treasurer of Porto Rico introduced a bill increasing and extending the Hollander inheritance tax, but this feature of his comprehensive reform was not adopted.







**LIQUOR LEGISLATION<sup>a</sup>**

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During the past year, legislation affecting the excise question has been enacted in 12 commonwealths. Many of these laws were of minor importance, being in most instances amendments of a cor-  
rective or explanatory nature.

In Alabama there were but two enactments: one prohibits the sale of liquor on Sunday, provides penalties for a breach of the law, and declares that any judge of probate who issues a license within 10 years, to one convicted of Sunday selling, shall be guilty of a misdemeanor;<sup>1</sup> the other prohibits the sale of liquors in towns where a dispensary is in operation.<sup>2</sup>

There were also but two pieces of excise legislation in Georgia: one authorizes the proper authorities of each city, town and county to grant licenses to the manufacturers of domestic wines, to sell the same in quantities not less than one quart, and not to be drunk on the premises where sold, and makes such sale without a license, a misdemeanor;<sup>3</sup> the other amends C. § 1541 in regard to the petition, and proceedings thereon, in elections for or against the sale of liquor.<sup>4</sup>

In Iowa a "bootlegger" is legally defined, and penalties provided for such a person.<sup>5</sup> C. § 2406 is amended in respect to actions for the suppression of illegal sales of intoxicating liquors,<sup>6</sup> and § 2437-38 relating to the mulct tax and the payment of the same.<sup>7</sup> An act was also passed providing for the establishment, operation and management of a state hospital for inebriates.<sup>8</sup>

Of the two excise acts passed by the Kentucky Legislature, one amends '02 ch.128 art.10 §25, by reducing the sum paid for a retail license, from \$235 to \$160;<sup>9</sup> the other prohibits under penalties the wholesaling of intoxicating liquors in local option districts except by manufacturers.<sup>10</sup>

In Massachusetts R. L. ch.100 § 86 was amended by abolishing suits for a complainant against police officers failing to enforce the excise laws.<sup>11</sup>

In New Jersey an act was passed supplementing '03 ch.189, providing that excise boards in cities of the first class may appoint two house inspectors and prescribe their duties.<sup>12</sup>

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**See also Governors Messages and Index of Legislation, 900.**



The only legislation on this subject in Mississippi, is an act amendatory of Ann. C. '92 §1610, which prohibits local option elections within two months of any general or local election, including a primary election, requires the petition therefor to remain on file 30 days before being considered, provides for withdrawing the same, and fixes the time within which another may be presented.<sup>12</sup>

In New York two amendments to the liquor tax law were passed: one relates to special agents and their salaries;<sup>14</sup> the other provides that the liquor traffic may be carried on within 200 feet of a church on obtaining the consent of the church corporation.<sup>15</sup>

In Ohio, an act was passed providing for the disposal of the surplus liquor tax not used for the support of a city infirmary,<sup>16</sup> and also an act providing for local option elections in residence districts of municipalities. Manufacturers however, may notwithstanding such vote sell their products both to retail and wholesale dealers who reside without the prohibited district. Two years must intervene between local option elections, and the validity of any such election may be contested, if proceedings are instituted within 10 days.<sup>17</sup>

In Oregon a law was proposed by initiative petition and adopted June 6, 1904 providing for local option throughout the state. By the provisions of this law the people of each county or district thereof may on a petition signed by 10% of the registered voters of the territory affected, vote as to all traffic in liquor therein, except the sale of alcohol for scientific or manufacturing purposes, or wines for sacramental purposes, or liquors sold only on physicians' prescription. These elections may take place every two years; but when prohibition has been carried for an entire county, no election can thereafter be held in any subdivision or precinct thereof, till after prohibition has been defeated at a subsequent election for the same purpose, held for the entire county. Heavy penalties are provided for sales in prohibition localities, provision made for the prosecution of offenders, and the rules of evidence of a violation of law prescribed.

The only excise legislation enacted in South Carolina, consisted of an amendment to '96 ch.61, relating to county dispensaries. The noticeable features of this amendment are as follows: giving the county board of control certain discretion as to locating dispensaries, prohibiting the establishment of dispensaries where the sale of alcoholic liquor was forbidden prior to July 1, 1893 unless already established therein; fixing a tax on counties voting to remove or close dispensaries and providing for the disposal of excise funds.<sup>18</sup>



Virginia seems to have been quite prolific in excise legislation during the past year, producing no less than six laws on that subject. Besides these, four others enacted at a prior session of the Legislature, and not included in the last Review, are also to be considered at this time. The first of the last mentioned merely makes some changes in C. § 581, 585, as to local option elections in towns.<sup>20</sup> The second provides that where 15 or more qualified voters of a county, corporation or district, make complaint that a local option election was invalid or the return thereof false, the contest shall be determined by the Circuit Court, or Corporation or Hustings Court of the city or town where the election was held.<sup>21</sup>

By another act, a person who has been licensed by the County or Circuit Court but has been refused a license by the town council, may recover from the auditor of public accounts, the amount paid by him for such license.<sup>22</sup> The last of these enactments relates to the sale of liquor by social clubs. The act provides for a yearly tax of \$2 on each member of a club trafficking in liquor, which payment shall be in lieu of a license. Sales to outsiders are forbidden and the club may not be located in the same building where there is a duly licensed bar. The membership list must be filed monthly with the clerk of the county or corporation. An entrance fee of not less than \$10 and dues not less than \$1 a month must be charged all members. The club must close on Sunday. No liquors can be sold by clubs located in any county, city, town or district in which local option or dispensary laws prevail.<sup>23</sup> This law was still further amended at the 1904 session. A license is provided at the rate of \$2 for each person who has been a member of the club, but not exceeding \$350 in all. The list of members is to be filed annually. Sunday selling, games of chance and slot machines are prohibited under severe penalties, and in addition the charter and license of the corporation is forfeited.<sup>24</sup> The remaining acts of the 1904 session are as follows: one amends C. §585 in reference to holding subsequent local option elections.<sup>25</sup> Another defines the jurisdiction of the County Courts in enforcing the liquor laws.<sup>26</sup> A third permits a licensed liquor dealer to continue to traffic in intoxicants for 90 days after the establishment of a dispensary or a no license vote in the district where he resides, for the purpose of disposing of his stock; this act also makes provision for refunding money to liquor dealers who are deprived of their licenses by local option elections, or the establishment of dispensaries.<sup>27</sup>

Another act amends '03 ch. 148 §144 relating to liquor licenses. It prohibits the manufacture, distilling or rectifying of any liquors other



than wine, or selling any intoxicants, without a license; provides for the granting of licenses; requires an application and bond; allows an appeal to the Circuit Court from refusal or granting of a license by the County Court; defines an ordinary; and penalizes sales without a license. The form of license is to be prescribed by the auditor of public accounts, which license must be posted in a conspicuous place on the premises, and a failure to do so subjects the offender to a fine not exceeding \$100. Druggists can not sell liquor without a license, and sample liquor merchants must also pay a tax. No license can be transferred to or used by any other person than the licensee. The sale of wood alcohol as a beverage is forbidden, as is also Sunday selling or sales to persons under the age of 21. A violation of these provisions is made a misdemeanor and revokes the license.<sup>27</sup> The last of the excise acts amends C. §3804, by prohibiting the opening of places where liquor is sold, or the sale of the liquor between 12 o'clock Saturday night and sunrise Monday morning. The penalty for a violation of the act includes a fine of not less than \$100, nor more than \$500, and in addition the revocation of the license.<sup>29</sup>

<sup>1</sup>Ala. '03 p.64<sup>2</sup>Ala. '03 p.373<sup>3</sup>Ga. '04 p.98<sup>4</sup>Ga. '04 p.62<sup>5</sup>Ia. '04 ch.84<sup>6</sup>Ia. '04 ch.82<sup>7</sup>Ia. '04 ch.83<sup>8</sup>Ia. '04 ch.80<sup>9</sup>Ky. '04 ch.87<sup>10</sup>Ky. '04 ch.76<sup>11</sup>Mass. '04 ch.122<sup>12</sup>N. J. '04 ch.162<sup>13</sup>Miss. '04 ch.147<sup>14</sup>N. Y. '04 ch.348<sup>15</sup>N. Y. '04 ch.485<sup>16</sup>O. '04 p.286<sup>17</sup>O. '04 p.87<sup>18</sup>S. C. '04 ch.276<sup>20</sup>Va. '03 ch.361 (ex. sess.)<sup>21</sup>Va. '03 ch.328 (ex. sess.)<sup>22</sup>Va. '03 ch.468 (ex. sess.)<sup>23</sup>Va. '03 ch.517 (ex. sess.)<sup>24</sup>Va. '04 ch.116<sup>25</sup>Va. '04 ch.3<sup>26</sup>Va. '04 ch.207<sup>27</sup>Va. '04 ch.165<sup>28</sup>Va. '04 ch.579 (ex. sess.)<sup>29</sup>Va. '04 ch.249



**PUBLIC HEALTH AND SAFETY<sup>1</sup>**

CHARLES V. CHAPIN M.D. SUPERINTENDENT OF HEALTH, PROVIDENCE R. I.

There was very little important legislation in 1904 relating to sanitary affairs. Few changes were made in the organization of state or local boards of health though the authority of the former was extended in several instances. There was not much legislation in regard to communicable diseases, except tuberculosis, which still holds a leading position with the lawmakers. It is noticeable that the mosquito now receives some legislative attention particularly in New Jersey. There was less legislation than for several years concerning licenses for physicians, pharmacists, embalmers, plumbers, etc. One or two important acts were passed relating to theater protection and the control of floods.

**General supervision.** In Kentucky ['04 ch.34] the State Board of Health is to consist of eight instead of seven members; one homeopath, one eclectic, one osteopath and the others "regular." The members are to be nominated by their respective societies and the secretary of the board is to be a member of it. The Alabama health law was amended in many particulars ['04 ch.499]. There is now to be a state health officer appointed by the State Medical Society which is the State Board of Health.

State boards of health though at first intended as merely advisory bodies, have continued to take on administrative duties. In this class is included the maintenance of **bacteriological laboratories**. Though these often do considerable research work, thus carrying out the purpose for which state boards of health were primarily established, their chief function is to assist physicians and health officers in the diagnosis of disease, or in determining the presence of infection, thus aiding directly in the control of the communicable diseases. Quite a number of the state boards have established laboratories, some with, and some without legislative sanction. Among the former are Maine ['03 ch.223], New Hampshire ['01 ch.23] and Vermont ['01 ch.70]. Last year Iowa ['04 ch.101] provided for bacteriological work of this kind. The bacteriological laboratory of the medical department of the State

<sup>1</sup>See also Governors Messages and Index of Legislation, 930.



University was utilized as a nucleus, and \$1000 was appropriated for additional apparatus, and \$5000 biennially for increased expenses. The laboratory is required to do such work as may be required by the State Board of Health.

The production of **vaccine virus and antitoxins** is a function which it is thought by many ought to be performed by the state board of health. But whenever this is urged before a legislative body, state or municipal, the private manufacturers of these products may be expected to use every means to defeat the proposition. New York and Massachusetts ['03 ch.480] now manufacture antitoxin, but last year New Jersey ['04 ch.232] provided that the State Board of Health should contract with some manufacturer to furnish diphtheria antitoxin for indigent persons at a cost not to exceed \$4000 per annum. The governor of Maryland urged sufficient appropriation for furnishing the best and purest vaccine virus in ample amount.

Very little reference was made during the year to **local sanitary organization**. In Kentucky ['04 ch.35] the State Board of Health is now required to appoint three "physicians," instead of three "citizens," to serve on the county board of health. In Louisiana ['04 ch.184] a municipal council may not elect one of its own members to membership on the board of health, and three members of the board must if practicable be registered physicians. The term of office is made four years. In Ohio ['04 p.460] cities may require the "board of public service" to act as the board of health. In Alabama ['04 ch.499] the county boards of health (which are the county medical societies) are to appoint a health officer for each incorporated city or town. This act also fixes the salaries of the county health officers, graded according to population.

In New York ['04 ch.484 § 20] all cities, except those otherwise provided for by special acts, are required to have a health officer. He must be a physician and is to be appointed by the local board of health. The state commissioner of health had by a previous act ['01 ch.29] been directed to appoint on recommendation of the local board of health, a health officer in each municipality (except cities). By the present act the state commissioner of health is given full control of the appointment in case the local board fails to nominate, or nominates an unsatisfactory person. In Virginia the circuit and corporation judges had been required to appoint county and municipal boards of health on recommendation of the county or local medical society. The judges are now required to appoint a board of health in all counties and corporations where there is no medical society \



**Vital statistics.** Iowa ['04 ch.100] has enacted a new registration law with many excellent provisions. The State Board of Health is the central bureau, the health officers are the local registrars, and the appointment of subregistrars is provided for. For deaths the essential requirement is made that no body shall be buried or removed from the state without a permit from the registrar. Births must be reported by the physician or parent, within 10 days. This statute and also an amendment to the New York law ['04 ch.392], provides that when a child is not named at the time the return of birth is made, a supplementary return giving the name, is to be filed as soon as the child is named. In the Iowa law this must be done by the physician; in the New York law by the parent. In Iowa it is provided that the United States standard form of birth and death return shall be used. Local registrars are to record births and deaths and send the originals each month to the state board. A fee of 25 cents is provided for the registrars for each return forwarded to the central office, but physicians receive no fee for reporting births. In West Virginia the county clerks are made local registrars instead of the assessors.

**Licensing of physicians.** South Carolina ['04 ch.292] and Kentucky ['04 ch.34] revised their laws relating to the practice of medicine, making many changes; other than these there were no general laws on this subject. Osteopathy received attention in various states. In Kentucky ['04 ch.34] there must be an osteopath on the examining board (State Board of Health), and osteopaths must be examined and licensed, but they are not permitted to administer drugs or perform surgical operations with a knife. Osteopaths who are graduates of colleges offering four terms of five months each and who were practising in the state prior to Feb. 1, 1904, may receive a license without examination. In South Carolina ['04 ch.292 § 13] osteopaths are exempted from the provisions of the license law. In North Carolina by '03 ch.697 osteopaths were required to pass a prescribed examination, and were licensed as regular practitioners. This has been declared unconstitutional in *State v. Briggs*, 46 S. E. 401 (1903). The Kentucky act is not to apply to the practice of Christian science. Interstate reciprocity in medical licenses was provided for in Georgia ['04 ch.101], Iowa ['04 ch.102] and South Carolina ['04 ch.292]. Among minor acts relating to this subject was one in Alabama ['04 p.73] which exempts those who do not propose to practise major surgery, from an examination in that subject; and one in New York ['04 ch.211] which exempts unsalaried members of a hospital staff from the provisions of the medical practice law.



**Licensing of dentists.** The Kentucky law was amended ['04 ch.32] so that the examining board is now appointed by the governor instead of elected by the Kentucky Dental Association. Students in dental colleges in the state are exempt from the provisions of the dental practice act. The Mississippi law was amended ['04 ch.145] in some minor particulars and the following subjects were added to those in which applicants were to be examined; "oral surgery, physiology, metallurgy, orthodontia, and chemistry, anatomy, materia medica, pathology, therapeutics, histology and bacteriology as they pertain to dentistry, together with a practical examination in operative and mechanical dentistry."

**Licensing of pharmacists.** In Georgia ['04 p.59] the law was so amended that druggists connected with schools of pharmacy shall be ineligible for membership on the state licensing board and by another act ['04 p.61] licensees may by paying \$15, receive a permanent license instead of one requiring annual renewal. In New York ['04 ch.554] diplomas are to be recognized only from those schools requiring an entrance examination in subjects equivalent to 12 Regents counts. The act also provides that certificates from boards of pharmacy in other states may be recognized, if they represent an equally high standard.

**Licensing of embalmers.** Previous to 1904 the licensing of embalmers by state boards<sup>1</sup> had been provided for in all the states except California, Delaware, Idaho, Indian Territory, Kentucky, Massachusetts, Mississippi, Nevada, New Jersey, New Mexico, Pennsylvania, Rhode Island, Tennessee and Wyoming. Kentucky ['04 ch.89] now has a state embalming board which examines applicants and issues licenses. The act is substantially the same as that in force in many other states. Unimportant modifications were made to the laws in several other states. In Massachusetts ['04 p.27] the state board of health was requested to report on the advisability of such a law, and reported against such an enactment.

**Communicable diseases.** Legislation enacted during the year, relating directly to these diseases, has been comparatively unim-

<sup>1</sup>States in which the licensing board is the state board of health: Arkansas, Colorado, Florida, Illinois, Louisiana, Michigan, Montana, Minnesota, Maine, New Hampshire, North Dakota, Oklahoma, Oregon, South Carolina, Utah, Vermont, Washington and Wisconsin.

States in which there is a special board for licensing embalmers: Alabama, Arizona, Connecticut, Georgia, Indiana, Iowa, Kansas, Maryland, Missouri, Nebraska, New York, North Carolina, Ohio, South Dakota, Texas, Virginia, and West Virginia.



portant. In Virginia ['04 ch.186] a rather unusual law was passed making it obligatory for the employers of "large bodies of laborers . . . constructing works of public improvement" to have the laborers inspected at such intervals as the county board of health may determine, either by their own physician, or at their own expense by a physician appointed by the board of health. The examining officer may order the employees vaccinated at the expense of the employer. It would appear to be difficult to determine what are "large bodies" of laborers or "works of public improvement." In Alabama ['03 p.499 §13, 14, 16] the health officers are to investigate outbreaks of contagious disease and report to the county commissioners or municipal councils, who are empowered to order, enforce and pay for any restrictive measures necessary.

The mode of payment for the care of cases of contagious disease, particularly smallpox, is a perennial source of difficulty, and minor amendments relating to this were adopted in Iowa ['04 ch.98, 99] and Ohio ['04 p.539]. The location of contagious disease hospitals is another subject which often arouses much discussion. In Kentucky the new law ['04 ch.35 §7] gives the county board of health power "to fix and determine the location of an eruptive hospital for the county, sufficiently remote from human habitation and public highways as in its judgment is safe." In Virginia ['03 ch.473 (ex. sess.)] the mode of establishing contagious disease hospitals was somewhat modified, and it was forbidden ['04 ch.179] to maintain such a hospital within 50 yards of any street, public road, park or cemetery, or to hereafter establish one within 150 yards of such place. In Massachusetts ['04 ch.395] the State Board of Charities may establish a hospital for the care of persons infected with a disease dangerous to the public health, who are liable to become a charge on the state, or may otherwise provide for them.

**Tuberculosis.** This disease has for some time been uppermost in the minds of sanitary officers and legislators. The investigation of the disease and the establishment of state sanatoriums are the most noteworthy results of legislation. The governors of Maryland, New Jersey, Ohio and Rhode Island all referred approvingly to this movement. New Hampshire ['03 ch.184], Massachusetts, Rhode Island ['03 ch.1096], New York ['01 ch.691], New Jersey ['02 ch.126], Minnesota ['03 ch.316] and Pennsylvania ['03 ch.430] have either provided for the construction of state sanatoriums or for the treatment of patients at existing sanatoriums. In 1904 New Jersey [ch.129] appropriated \$200,000 more for the state sanatorium, Rhode Island [r.14] \$21,000 more and in Ohio (p.559)



\$35,000 was appropriated for the construction of a sanatorium. Commission for investigating the subject had previously been appointed in several states, and in 1904 Georgia [p.760] and Iowa [ch.162] were added to the list. In Maryland [ch.476] the Tuberculosis Commission was continued till January, 1906, when it is to report a detailed plan for a sanatorium.

Maryland appears to be foremost in the thoroughness with which it is investigating the tuberculosis problem and providing for the restriction of the disease. It is now required by statute ['04 ch.412] that physicians and heads of institutions report to the State Board of Health all cases of pulmonary and laryngeal tuberculosis. The state board is to keep a register of all persons afflicted with tuberculosis, but this register is not to be open to the public. Another act ['04 ch.399] makes it a nuisance for any person whose secretions contain the virus of disease to endanger others in the house, and local health officers have control over such cases. The diseases referred to are specified and among them is tuberculosis. Physicians must see that the proper regulations are carried out. The state board is to provide printed rules and circulars of information, and such materials as are needed to prevent the spread of the disease. The physician is to report the facts of the case, the advice given, and the precautions taken, and if the report is satisfactory is to receive for the same \$1.50. When a consumptive moves or dies, the apartments must be disinfected, and must not be again let till this is done ['04 ch.412 §34j].

**Nuisances.** There was very little legislation relating to nuisances during the year. The most interesting was the New Jersey law ['04 ch.119] which specifies "water in which mosquito larvae breed" as a nuisance which local boards of health shall abate.

**Pollution of water.** No important acts were passed during the year, but it will be of interest to many to know that the United States Geological Survey has issued a bulletin [Water Supply and Irrigation paper no. 103] containing the existing statute law on this subject.

**Fire protection.** Louisiana ['04 ch.122] created the state office of fire marshal to be filled by the governor. The marshal is to supervise the investigation of the origin of fires, or may make such investigation himself, and may examine witnesses under oath. He is also to regulate the handling of combustible material. The expenses of the office are to be defrayed by a tax of .2% on the premium receipts of fire insurance companies. South Carolina ['04 ch.274] revised its general law on the same subject. The tax in that state is .1% of the premium receipts of insurance companies.



**In Massachusetts** ['04 ch.433] fire inspection was removed from the inspection department of the District Police to the detective department.

**Iowa** ['04 ch.136] made a thorough revision of the law relating to fire escapes. Buildings requiring escapes are divided into six classes, and minute directions are given as to the number and location of fire escapes, their construction, accessibility and lighting, which vary somewhat in the different classes of buildings. The commissioner of labor statistics, chief of fire department, mayor and county supervisors, are to enforce the law.

Owing to the terrible disaster in Chicago the construction and care of places of public assembly received considerable attention. **Virginia** ['04 ch.23], **Massachusetts** ['04 ch.450] and **Ohio** ['04 p.264] passed laws on this subject. That of Massachusetts was the most complete. This act provides for the annual licensing of "theaters" and "public halls," which are defined for the purpose. The mayor in Boston, and the chief of police in other places, issue the licenses on terms and conditions which they shall prescribe. All licensed places must be inspected monthly, and reports sent to the licensee. Notice of the inspection is to be posted in the theater or hall. Appeal from the decision of the licensing officer is provided for. Passes to inspectors are forbidden.

The Massachusetts law regulating lodging houses in Boston is now to apply to all cities of over 50,000 inhabitants ['04 ch.242].

The New Jersey law relating to tenement houses was subjected to very thorough revision ['04 ch.61] and minor amendments were made to the New York law ['04 ch.346, 739].

**Protection from floods.** Laws relating to this subject were enacted in Iowa, New Jersey and New York. The Iowa law ['04 ch.33] permits cities to undertake works, such as constructing levees and changing water courses within their limits, for preventing injury from floods. The act provides in detail for plans, hearings, contracts, special assessments and bond issues. The New York act ['04 ch.193] in briefer terms authorizes the trustees of villages to take similar action. In New Jersey ['04 ch.4 (ex. sess.)] it is provided that the Legislature may create flood districts with commissioners appointed by the governor with the consent of the Senate. The commissions may prepare plans, acquire land by purchase or condemnation, pay damages, construct works, assess benefits, borrow money, maintain works and sell water. Appeal to the courts is provided for.

**Care of explosives.** In Massachusetts ['04 ch.370] the fire marshal (formerly town authorities) is to regulate the storage of ex-



plosive and inflammable substances, and buildings are not to be used for this purpose without a license. In Ohio ['04 p.302] parties desiring to make or handle high explosives must make application, presenting statements as to their business, and plans of buildings, which latter must be approved. The chief inspector of factories and workshops is to administer the law. It is also made a misdemeanor to leave unguarded any nitroglycerin can ['04 p.288].

**Boilers and engineers.** The Ohio law was amended in several details ['04 p.28] making the examination uniform throughout the state, and providing for an appeal, and making the license fee \$2 instead of \$1.

**Miscellaneous provisions for safety.** In Virginia ['04 ch.560 (ex. sess.)] it is made a misdemeanor to leave samples of medicine. In South Carolina ['04 ch.199] it is unlawful for owners or tenants to allow abandoned wells to remain unprotected.



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**REVIEW OF LEGISLATION 1904**

**LEGISLATION BULLETIN 25k**

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Food Legislation    W. D. BIGELOW  
Communicable Diseases of Animals    D. E. SALMON

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**FOOD LEGISLATION<sup>1</sup>**

**W. D. BIGELOW, BUREAU OF CHEMISTRY, UNITED STATES DEPARTMENT OF AGRICULTURE**

Relatively little was accomplished in the way of food legislation by the last meeting of the Legislatures of the various states. No general food laws were enacted and few new laws of even limited scope. The amendments to the existing laws were not sufficiently numerous or sufficiently important in their bearing to call for an extended notice.

In meetings of those interested in pure food legislation from a manufacturing standpoint and of those engaged in the administration of food laws the necessity of uniformity in the legislation of the various states has been emphasized even more strongly than during previous years. A federal bill which it was hoped might lead to such uniformity and which is universally regarded as a necessary forerunner of it, successfully passed the House of Representatives, but owing to insufficient interest in the matter did not come to a vote in the Senate. It is believed that rapid progress in food legislation can not be made till such a federal law is enacted.

In general the food laws enacted during 1904 resulted in a distinct, though as stated before, somewhat limited advance. Progress was made in several directions. In Kentucky ['04 ch.63] progress was shown by a more liberal appropriation, thus making it possible to extend the work. The amount given the station was increased one half and the annual expenditures permitted were increased from \$7500 to \$10,500. In Ohio ['04 p.64], the salary of the dairy and food commissioner was increased from \$2000 to \$3500. One of the great obstacles in the way of the proper enforcement of the food laws has been the limited compensation of those engaged in such enforcement. A step in the direction of correcting this evil can therefore result only in good.

The same state [O. '04 p.30] also provided for the appointment of an additional assistant commissioner, thus further broadening the

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<sup>1</sup>See also Governors Messages and Index of Legislation, 955.



work of the commission. A slight advance was also made in Iowa ['04 ch.88] in which an additional assistant commissioner was appointed and the salaries of the deputy commissioner and assistant commissioner advanced from \$1000 to \$1200. In New Jersey ['04 ch.211] the municipal boards of health are empowered to designate as inspectors of food and drugs one or more of their local sanitary inspectors.

Considering the limited amount of food legislation during the year just passed the laws enacted for the purpose of improving sanitary and hygienic conditions are of some importance. For instance, in New Jersey ['04 ch.99] a law has been enacted similar to those enforced in a number of other states forbidding the keeping of milch cows in unwholesome places and requiring their proper feeding. The same state ['04 ch.204] has required that cans used for the transportation of milk shall be properly cleansed.

Serious poisoning cases resulting from the use of methyl alcohol in place of ethyl alcohol have also led to the enactment of laws forbidding this practice [Md. '04 ch.378, 470]. It is probable that the majority of states in which efficient food laws are now in force will not find it necessary to enact legislation regarding methyl alcohol in foods as such a substitution is a violation of practically all the food laws that are now in force.

Some of the changes in legislation during the year, as is usually the case, had for their purpose the improvement of the character of the goods on the market. This is true of the enactment in Ohio ['04 p.252] which requires all cheese containing less than 30% of fat to be labeled as skimmed cheese. In this state the standard was formerly 20%. In the same connection may be mentioned the amendment to the maple sugar law in the same state [O. '04 p.46] and the law in Maryland ['04 ch.653] making the requirements for standard vinegar similar to those of a number of other states.

In several cases the legislation enacted during the year extended to some extent the provisions of the law to articles which had not before been included. For instance in New York the law prohibiting the sale of adulterated milk ['04 ch.480] was so amended as to include the adulteration of cream and the New York law regulating the sale of certified milk ['04 ch.566] was amended in such a manner as to make it more practicable without in any way changing its purpose.

There has been for some time a feeling that the standards for milk enforced in several states requiring a different amount of solids



for different seasons of the year had been based on incorrect information. Recent studies of the subject have led to the belief that the same milk standards might be enforced for the entire year, and it has been suggested that existing laws might be changed in that manner. Legislation of this nature was enacted in Ohio ['04 p.119] which will probably be followed later in several other states.

## COMMUNICABLE DISEASES OF DOMESTIC ANIMALS'

D. B. SALMON D.V.M. CHIEF OF BUREAU OF ANIMAL INDUSTRY, UNITED STATES DEPARTMENT OF AGRICULTURE

Few of the state Legislatures meet during the even numbered years, and in 1904 only five enacted laws bearing on contagious diseases of domestic animals. These were for the most part of minor importance, the only amendment of any extent being to that part of the Rhode Island law of 1892 which deals more particularly with tuberculosis, glanders and farcy.

*Iowa.* An act approved Ap. 12, 1904, amends the law previously in force relating to the appropriation for carrying on the work of the state veterinary surgeon in eradicating contagious diseases of domestic animals. The amount appropriated for this purpose is increased from \$5000 to \$7500.

*Maryland.* An act approved Ap. 7, 1904, authorizes the commission appointed in 1902 to investigate cerebro-spinal meningitis of horses, to continue its labors till January 1906. The unused funds under the law of 1902 are to be available for use. The commission is to report the result of its investigations to the governor not later than Jan. 1, 1906.

*New York.* An act approved Ap. 8, 1904, amends the existing law relative to the state appraisers of condemned animals. The new law authorizes the commissioner of agriculture to appoint one appraiser, in lieu of three as formerly. The former appraisers received \$5 per diem for time actually employed, with expenses; the new appraiser is to receive \$1500 per annum, and necessary expenses. Authority is also given to the commissioner to appoint such additional appraisers from time to time (at \$5 per diem and expenses) as the necessities of the work may demand.

*Rhode Island.* An act passed Ap. 8, 1904, amending G. L. ch.99 provides that animals suspected of being tuberculous shall be officially examined and if found to be diseased shall, after appraisal,

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<sup>1</sup> See also Governors Messages and Index of Legislation, 1143.



be killed, and the carcasses properly disposed of. The state is to pay one half of the appraised value if the animals are diseased, but if they are found not to be affected with tuberculosis the state shall pay the full value, provided the animals have been owned in the state for at least 3 months. Animals suffering, or suspected to be suffering, from glanders, farcy or any other contagious disease shall likewise be killed and their carcasses disposed of. All appraisals shall be made by the veterinarian and one cattle commissioner of the county where the animal is located. The maximum allowance for any single animal shall be: for a native animal, \$50; for a grade animal, \$75; for a registered animal, \$100. Right of appeal from the award of the appraisers is given within five days.

The Board of Appraisers is empowered to quarantine any animal supposed to be suffering from any contagious disease, one third of the expense of which is to be paid by the state. The inspectors of the Bureau of Animal Industry, in cooperation with the state authorities, are empowered to enter premises for the purposes of inspection, and are also authorized to call on peace officers to assist them in the discharge of their duties.

*Virginia.* The original law of 1887, amended in 1890 and 1896, relating to the disposal of hogs and fowls that have died of contagious diseases is amended so as to include all animals and grown fowls. The new law which was approved Mar. 15, 1904, provides that all such animals and fowls which have died from any contagious or infectious disease shall be cremated or buried. If this is not done by the owner any justice may, after giving notice thereof, order the work done and be entitled to recover from the owner \$5 for every animal and \$1 for every fowl so disposed of.



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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 251

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Control of Waters    R. P. Teele  
Land Drainage    C. G. Elliott

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## CONTROL OF WATERS<sup>1</sup>

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**Irrigation.** The Legislature of Idaho, in common with those of several Western States, adopted an irrigation code in 1903 ['03 p.223]. The passage of this law was for the purpose of bringing order into irrigation matters in Idaho by providing for the defining of all existing rights and for the future acquirement of rights under state supervision. It was the intention to secure in this way a complete record of all rights to water in the state. Sections 34, 35 and 36 of this law were declared unconstitutional in *Bear Lake County v. Budge*, 75 P. 614. These sections provided for the defining of rights to water from streams where a part of the rights had already been defined. They provided that the water commissioner should bring suit and defined the procedure, among other provisions being one that notice to interested parties should be given by publication. In the case above cited, the court held that the water commissioner could not bring such an action as he was not a party in interest and that notice by publication was not sufficient. This decision defeats, to a large extent, the purpose of the act, as under the decision a suit for defining titles to water can be brought only by a party in interest, and so long as the water users on a stream are content to let their rights remain in an unsettled state the public authorities can do nothing. Without a complete record of existing rights the state can not intelligently grant rights for new diversions.

It is the settled doctrine in Oregon that the common law of riparian rights is in force in that state but the Legislature of the state has recognized that the enforcement of this doctrine in the arid part of the state will greatly limit irrigation development. It has therefore passed laws making riparian rights in a way subordinate to rights by appropriation under which water may be taken from the streams and used on lands not riparian. These laws provide for the condemnation of riparian rights by appro-

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<sup>1</sup>See also Governors Messages and Index of Legislation, 1182.



priators. At an extra session held in 1903 the law providing for condemnation was amended so as to limit the right of condemnation, preserving to the riparian owner rights to water for household or domestic uses, for the purpose of watering his stock, and for the irrigation of growing crops on his land provided the water has been actually used for that purpose ['03 p.25 (ex. sess.)].

**Power.** The laws of Alabama provide for the erection of dams in the streams of the state and prescribe the procedure to be followed by those intending to erect such dams. These laws were amended in 1903 to include the erection of dams for plants to generate electricity by water power ['03 p.291]. The Civil Code of 1896, ch. 42, art. 2, provides for the condemnation of lands and other property which will be injured by the erection of dams in the stream. This law originally applied only to individuals but in 1903 was extended to apply to corporations. The courts of the state have uniformly held that the right of eminent domain can be exercised only by those erecting dams for public use and that this public use must be proved in each instance.

**River improvement.** New York and New Jersey in 1904 passed laws providing for the improvement of their streams. The law of New Jersey ['04 ch.4 (ex. sess.)] provides that the Legislature may create flood districts and define their boundaries. When such a district has been created the governor appoints commissioners to make the necessary plans for improvement, and when plans have been adopted a justice of the Supreme Court, on application of the commissioners, appoints an assessor to determine benefits and damages. In case the benefits assessed are not sufficient to meet the cost of the work, the commission is empowered to issue bonds which are to be met by taxes on the property of the district, assessed by the regular taxing officers and based on the regular valuations for other taxes. Provision is made for a hearing when any interested party may suggest any changes in the plans proposed. The law makes no provision for any coordination in the work in different districts. It is easily possible that works which are of great benefit to one section of a stream or to a tributary may damage another section, but this law provides no means for determining whether such damage will result or for uniting in one district a whole stream or a whole tributary in such a way as to do the work most economically. There is some analogy between this condition and that which exists on streams used for irrigation in Colorado. In that state independent administrative districts were created on the same stream and rights in each dis-



district determined without any reference to rights in other districts. It was found however, that in fact the ditches were dependent on each other and it was necessary to place an entire stream within a division and coordinate the rights in the several districts. In the same way it will probably be found necessary for New Jersey to provide some means for a systematic development and to create some office or commission with authority to provide for the harmonious improvement of an entire stream. Further the law makes no provision for any action on the part of the property owners within the improved district, either in initiating or approving the plans for the work, or for their taking action on issuing bonds which are made a lien on their property. Under this law the Legislature may determine that certain districts shall be improved, commissioners may be appointed, plans made, bonds issued, and taxes levied without any of these steps being submitted for the approval of the parties in interest. This seems to be a weakness in the law and a possible source of great injustice, since it gives to the Legislature the power to force onto landowners who can not undertake the expense of improvement a large bonded indebtedness which becomes a lien on their land.

The law of New York [’04 ch.734] which provides for similar work avoids one of the criticisms just made on the law of New Jersey in that it provides for the establishment of a permanent commission for the regulation of the flow of the water courses in the state to be known as the River Improvement Commission. This commission on application of any county, city, town or village located along the water course, or any person possessing riparian rights, examines the location of the proposed improvements and makes plans and a preliminary assessment of benefits. Hearings are held, at which interested parties may suggest changes in the plans. When the plans for any improvement have finally been approved by this commission, these are submitted to the Legislature and are carried out only when approved by the Legislature. When plans have been approved in this way the commission may make contracts for the works and purchase or condemn the necessary lands, structures or waters. The cost of the works is to be assessed against the counties, cities, towns or villages and the individual properties as they are benefited, and in case any of this cost can not be properly charged to any of these it is charged to the state as being a general improvement. The commission determines the amount which must be assessed and the proportion which should be assessed against each county city



etc. or individual property, and determines also whether this assessment shall be paid in one payment or in annual payments not to exceed 20. Assessments against individual properties are liens only on the property benefited and not on any other property belonging to the owner. The commission is empowered to make and issue bonds to pay for the work, these bonds to bear interest not exceeding 4% per annum. The bonds are to be sold by the comptroller of the state for not less than par and accrued interest. Prior to the issuing of the bonds the commission may issue certificates of indebtedness to cover necessary expenses. The general expenses of the commission are to be divided among the several projects under way. The committing of this work to one central commission will help to secure a harmonious development which the New Jersey law does not provide for, but like the New Jersey law the New York law makes no provision for any action on the part of those who must pay for the works beyond a making of application for the taking up of the work, and this may be made by any one individual owning riparian property.



## LAND DRAINAGE AND LEVEES<sup>1</sup>

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Drainage legislation during 1904 with the exception of Iowa relates principally to the maintenance of ditches and the preservation of existing improvements. It was learned that the laws for organizing and executing such improvements did not provide for repairs and maintenance of the work as fully as later developments demanded. The entire Iowa drainage law was declared unconstitutional by the Supreme Court and a new one was enacted.

*Illinois.* An important decision of the Supreme Court of Illinois declares section 37 of the act for drainage for agricultural, sanitary and mining purposes to be unconstitutional on the ground that it deprives owners of property without due process of law [*Juvinall v. Jamesburg Drainage Dist.*, 68 N. E. 440 (1903)]. This section relates to the payment for right of way and damages necessary in the construction of drainage works and has been in operation since its passage in 1885. The decision in this case was as follows:

(1) When a property owner whose land has been condemned for a drainage ditch does not specifically object to confirmation of the commissioners' report of damages and benefits on the ground that the assessment was made by the commissioners and not by jury, he waives his right to have the damages ascertained by a jury.

(2) In making out an assessment roll in proceedings for the construction of a drainage ditch, it is an error not to consider damages as well as benefits where it appears that land will be taken for a ditch.

In the review of the proceedings it is held that damages can not be offset by benefits but both must appear as specific amounts and that damages for property taken for a drainage ditch must be determined by a jury unless landowners by their failure to apply for such jury at the proper time waive such right. It is consequently held that this decision will not affect the validity of proceedings of districts previously established.

*Iowa.* Section 1946 of the Code of Iowa relating to the assessment of lands for the cost of construction of drainage ditches was declared unconstitutional by the Supreme Court of that state in the case of *Beebe v. Magoun* on the ground that the law did not provide for notice to be served on all landowners assessed for the cost of the ditch and hence violated the constitutional inhibition against taking property without due process of law. Chapter

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<sup>1</sup>See also Index of Legislation, 1101.



67 of 1904 amends this section by providing that a reassessment and relevying may be made for the cost of ditches already begun and that the amendment shall be construed to apply to proceedings pending before boards of supervisors. This amendment became a law Ap. 29, 1904. On May 5, 1904, the Supreme Court in the case of *Smith v. Peterson*, involving questions arising under the same section, ruled that the unconstitutionality of §1946 invalidated the entire scheme for the establishment of drainage ditches embodied in §1939-51. Chapter 67 then appeared as an amendment to an unconstitutional statute and hence failed to affect the situation it was intended to relieve.

A new law ['04 ch.68] provides for leveeing, ditching and draining the land of the state and for the assessment and collection of costs for the same. The board of supervisors of any county has authority to establish drainage districts whenever the same will be conducive to the public health, convenience or welfare. It is asserted that the drainage of surface waters from agricultural lands shall be considered a public benefit and conducive to public health, utility, convenience and welfare.

In order to bring the matter under the jurisdiction of the supervisors, a petition must be presented to the board signed by one or more landowners who desire combined drainage and whose lands will be affected by the proposed improvement, accompanied by a bond to be approved by the auditor, conditioned to pay all costs in case the supervisors do not grant the petition. The board shall appoint a competent engineer to examine the land, survey the route of the proposed ditch, plat the land, and report the manner in which the several properties will be affected by the improvement, together with the names of the owners of the same, and shall make an estimate of the cost of the drainage petitioned for. If the engineer recommends the establishment of the district, the auditor shall notify the owner of each tract of land within the proposed district of the time set by the supervisors for a hearing, and that all claims for damages must be filed in writing five days previous to that time.

If claims for damages are filed, the board shall appoint three appraisers to determine the amount due each claimant, their report to be filed with the board. If in the opinion of the board the amount of damages awarded and the cost of construction will not be a greater burden than the land benefited should bear, they shall establish the ditch. Any party aggrieved by the award of the supervisors may appeal to the District Court. The damages finally



awarded to the claimants shall be paid by the parties benefited or secured to be paid on such terms as the county auditor may deem proper.

Such damages having been either paid or secured to be paid, the board shall appoint an engineer who shall have charge of the construction and who, before entering on his duties, shall give a bond to the county in such sum as the board may determine, conditioned on the faithful discharge of his duties. The board shall advertise for bids and let contracts, the successful bidder being required to execute a bond with approved sureties equal to 25% of the estimated cost of the work covered by his contract.

When the ditch or improvement shall have been established the board shall appoint three commissioners, one of whom shall be an engineer, who shall inspect all the land benefited and classify the same in tracts of 40 acres or less and apportion the costs, damages, and other expenses to the several tracts in proportion as they may be benefited. In making this estimate the lands receiving the greatest benefit shall be marked on the scale of 100 and those receiving less benefit shall be marked with such percentage of 100 as the benefit received bears in proportion thereto. The commissioners shall report to the board such classification and also the amounts which in their judgment should be assessed against property other than farm land, whereupon the auditor shall notify each property owner of the amount of his assessment and of the day set by the board for hearing objections to the same. On the day appointed the board shall hear any objections of owners to their assessments as reported by the commissioners and may change the same if in the opinion of the board such assessment is not just or equitable. Appeal from the assessment established by the board may be taken to the District Court by any party aggrieved, as in the case of the assessment of damages.

During the construction of the work the engineer in charge shall furnish to the contractor monthly estimates of the amount of work done, on presentation of which the auditor shall draw a warrant in favor of the contractor for 80% of the value of such work.

It is also provided that after the contract has been let the board may on the recommendation of the engineer change the dimensions of the improvement, but in such event notice shall be given and like proceedings had as are provided for the first establishment of the district.

The auditor shall enter all proceedings in a book known as the Drainage Record, and shall receive such compensation for his services as the board may see fit to allow.



A special tax for raising the amount of the assessment shall be levied on the property of owners benefited and collected as other taxes, but all money so collected shall be kept in a separate fund and shall be paid out only by order of the supervisors for the purposes connected with the improvement. This tax shall be a lien on all premises on which the same is assessed to the same extent as taxes levied for county and state purposes.

Provision is made for establishing a new improvement in a territory where work has been abandoned and for making a levy for the expense of the same. After any ditch improvement has been completed it shall be continued under the control of the board of supervisors, who shall repair the same when necessary or may enlarge, deepen or otherwise improve it.

Subdistricts may be formed within the limits of the main district by landowners for the more complete drainage of their farms in a manner similar to the organization of the main district.

Provision is made for the establishment of a drain or improvement of a natural stream across railroad rights of way by mutual agreement between the engineer of the district and the railroad company as to manner and method of crossing the right of way. If the parties fail to agree the State Railway Commissioners shall decide the matter and their decision shall be final and binding on the parties. On due notice the railroad company shall construct a ditch across its right of way in accordance with plans furnished by the engineer of the district. In case the company fails to do this within the time specified in the notice, the district may construct the ditch and collect the cost of the same from the railroad company. The section regarding construction across public highways requires the expenses to be paid out of the township or road fund.

All special assessments for benefits are payable to the county treasurers and may be made in instalments, the deferred payments bearing interest not exceeding 6% per annum. Authority is also given the board to issue improvement certificates payable to the bearer or to the contractor in payment for work. Drainage bonds of the county may be issued by the supervisors for the benefit of the district, but they shall not run longer than 15 years.

The owners of land requiring combined drainage may arrange a plan by mutual agreement in writing duly signed and file the same with the county auditor. The board of supervisors shall then have jurisdiction and shall construct the improvement in accordance with the mutual agreement and thereafter retain control as in other districts.



When a district lies in two or more counties, provision is made for joint jurisdiction of the affairs connected with carrying out the improvement.

The board of supervisors has the right and power to establish levees for drainage districts which include the whole or a part of incorporated towns or cities and owners of property therein may be assessed for benefits.

When no practicable and efficient outlet for a drainage ditch can be obtained within the limits of the state, the board of supervisors shall have power to purchase a right of way for such outlet in an adjoining state and pay for the same out of the district funds.

Where it becomes necessary to cross the land of private owners to obtain an outlet for the drainage of public highways, the cost of such drains or outlets may be paid out of the road funds of the townships interested or from the county road fund or partly from each, as the board of supervisors may direct.

In the operation of this law the county board of supervisors has complete control except when the parties whose property is affected appeal from the decisions of the board to the District Court.

The board of supervisors in any county or counties may provide for the establishment and maintenance of pumping stations in a drainage district where they are necessary to secure proper outlets but the petition for the same shall be signed by 50% of the land-owners of the district ['04 ch.69].

An additional act ['04 ch.70] gives the owners of land the right to drain the same in the general course of natural drainage by constructing open or covered drains and discharging the same into any natural water course or into any natural depression whereby the water will be carried into any natural course. When such drainage is wholly on the owner's land he shall not be liable for any damages therefor to any person.

A joint resolution approved Ap. 9, 1904, proposes an amendment to the Iowa Constitution which will give the General Assembly power to pass laws permitting owners to construct ditches, drains and levees for agricultural, sanitary or mining purposes across the lands of others and to provide for the organization of districts, the cost of all work to be paid by special assessments on the property benefited.

*Louisiana.* This state ['04 ch.61] gives control of drainage channels in levee and drainage districts and for a space of 100 feet on each side thereof to the boards of commissioners of such districts. The boards are given power to adopt and enforce rules and regulations for preserving the efficiency of such channels.



*Maryland.* An amendment to the Code permits the use of approved devices across ditches for preventing the passage of live stock through them, and makes \$2 the minimum and \$20 the maximum fine for placing any obstruction in a ditch ['04 ch.391]. Slight changes are also made in the manner of collecting money for making, cleaning out and repairing ditches.

*Mississippi.* Legislation in Mississippi relates entirely to levees. Chapter 90 makes it unlawful for any person to make use of, for any purpose, any levee or land condemned for levee purposes without the written consent of the Board of Mississippi Levee Commissioners.

Chapter 91 authorizes the Board of Mississippi Levee Commissioners to issue \$1,000,000 in bonds payable in 40 years bearing 5% interest, the money obtained therefrom to be used exclusively for the construction of levees; and provides the manner of levying a tax for the payment of the bonds.

Chapter 92 regulates the right of eminent domain by the Board of Mississippi Levee Commissioners for Bolivar, Washington and Issaquena counties. It specifies that the circuit judge of the district shall appoint three resident freeholders of each county to be "commissioners to assess damages" and provides for the succession and perpetuation of the board. The commissioners so appointed shall make all awards for rights of way, use of property, or damages caused any owner by reason of the construction of the levee, and shall certify and deliver the same to the treasurer of the board of Mississippi Levee Commissioners. Any person aggrieved by the award of the commissioners may appeal to the Chancery Court and either party may appeal from the Chancery Court to the Supreme Court.

Chapter 95 authorizes the Levee Commissioners of the Yazoo Mississippi delta to issue \$500,000 in bonds bearing not less than 4½% interest payable semiannually, for the construction of levees, and specifies the denomination and manner in which the bonds shall be issued.

*New Jersey.* Section 16 of an act to enable owners of tide swamps and marshes to improve the same and the owners of meadows already banked in and held by different persons to keep the same in good repair, passed Nov. 29, 1788, is amended ['04 ch.9] by adding the proviso that at any time after the expiration of 10 years from the recording of a certificate previously signed by the owners of such land providing for keeping the drains and embankments in order, any owner desirous of being relieved from such



**order** for the purpose of filling up ditches, relaying water courses, ~~or~~ otherwise changing the plan of improvement already in operation, may after giving two weeks notice to the remaining owners, ~~apply~~ to the Court of Common Pleas for relief, and the court is ~~directed~~ to appoint three judicious and disinterested men as commissioners who, after hearing the parties in interest, are empowered ~~and~~ directed to make a new order of maintenance or division of ~~banks~~ or other works established under this section and to determine such alterations or reconstruction as may be most beneficial to the landowners. The commissioners shall make a certificate of their proceedings and findings which shall be recorded in the Road Book by the clerk of the court, after which the owners may fill up or otherwise improve their lands in accordance with the new order, and such report shall be at all times considered as plenary evidence of the right of such owners to change or otherwise construct their improvements.

Sections 1-2 of the drainage law of 1903 are so amended ['04 ch.113] that any town or township in the state in which meadows, swamps or other lands improved or otherwise are so situated that they can not be sufficiently drained without clearing, cutting out, or deepening the beds of creeks, etc. may on petition for such improvements take and appropriate the lands and real estate necessary therefor on making compensation to the owners thereof in the same manner as in cases where land is taken for the construction of sewer, drain or culvert in such municipality.

*New York.* The drainage law [R. S. pt 3 ch.8 t.16 §8] is amended by adding that in case the lands to be drained are located in more than one town the total amount to be raised shall be apportioned among the several towns within which the lands to be drained are located and on notice served as specified the supervisor of each town shall thereupon immediately issue bonds in the total amount apportioned to his town ['04 ch.75].

The drainage law is further amended ['04 ch.433] by adding § 37 which specifies the manner in which ditches regularly constructed shall be kept open. If an owner through whose land the ditch passes fails to keep it in repair, any person whose land is damaged by such failure shall apply to the fence viewers of the town in which the ditch complained of is situated, to open it. It is provided that the board of fence viewers shall assess the cost of cleaning the ditch and other expenses which shall be a charge and lien against the premises through which the ditch runs.







*New York State Education Department*  
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VIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25m

**TRANSPORTATION AND COMMUNICATION<sup>1</sup>**

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the year is one of little importance in the domain of legislation affecting railways, canals, telegraphs, telephones, bridges and so on. The following paragraphs will show a few new departures regarding incidental rather than fundamental matters, among which the Virginia laws relating to excursions and to the meaning of the words "railway" and "railroad" may be mentioned. Several laws of importance to railways in the states concerned were enacted, but the laws themselves are essentially like many others which are in force elsewhere.

Early every railway question, sooner or later, resolves itself into a question of rates. It is, therefore, not inappropriate to call attention at the outset to legislation affecting rates. The most reaching law on this subject appears to have been enacted by Louisiana ['04 ch.24]. This law adds to and enlarges the powers of the State Railway Commission so as to give it control over joint through rates of railway, express, telegraph and telephone companies, both with respect to the absolute level and the division of rate. The Railway Commission may require railway and other companies specified to establish reasonable joint through rates, also with navigation companies; and, in case of their failure to do so, the commission may establish rates, which shall take effect in 30 days of their official publication.

Alabama ['03 p.95] changed from an appointive to an elective commission and at the same time made slight changes in the legal qualifications of commissioners. The commissioners must be competent persons and qualified electors of the state not interested specially in any railway in the state. What constitutes a "competent" person, the law does not define except as indicated in the special restrictions and the provision that no two commissioners shall be elected or appointed, in case of a vacancy, from the same congressional district. Formerly, the governor with the consent of the Senate, appointed the commissioners. The Alabama law was amended so as to authorize the commission to investigate not only "tariff of rates" but also "any particular rate" and to pre-

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<sup>1</sup>See also Governors Messages and Index of Legislation, 1200.



scribe, after due hearing, a reasonable rate or rates. Formerly the commission could only "recommend"; now it can "fix" rates, including joint local rates. The complaining person or persons must give security for costs but the commission may adjudge the costs of proceedings against either plaintiff or defendant, as the equities of the case may require. So far so good; but this last amendment was again amended ['03 p.354] so as to adjudge the costs of the proceedings against the unsuccessful party! Less objectionable than the latter, though by no means defensible, is the Massachusetts law ['04 ch.429] which assesses the salaries and other expenses of the Railway Commission against steam and electric railways in proportion to their respective gross earnings. The basis of apportionment is probably the best that can be selected but the principle of taxing particular industries for the entire expense of performing supervisory functions in the interests of the public is one of doubtful expediency and questionable ethics.

**Passes and free transportation** received consideration in a few states. An Iowa law ['04 ch.76] requires railway companies to issue to the shipper of one or more carloads of animals a free ticket from the point of shipment to the point of destination, the return trip to be undertaken within 48 hours from the time of the delivery of the shipment at the place of destination. A second pass shall be issued when a single shipment aggregates six or more cars. The Missouri law noted in last year's review, compelling the giving of free tickets to designated persons was incorporated in a constitutional amendment which was rejected at the general election in November 1904. On pain of impeachment, Georgia ['04 p.72] prohibits judges of the Supreme or Superior Courts, from receiving free transportation or other favors from railway or other quasi public corporations. This state ['04 p.102] also prohibits the sale of "nontransferable signature **tickets**" issued by railway and steamship companies; and requires the companies to redeem unused tickets or unused portions of tickets, paying for the former the actual price and for the latter the difference between the local rate for the distance actually traveled and the price paid for the whole ticket, without cost of exchange or other expense to the purchaser. Essentially the same provisions are embodied in a New Jersey law ['04 ch.177] with the additional proviso that ticket agents shall be subject to fine if they collect more than the legal fare or rate. This law also regulates the sale of **unclaimed baggage** and provides for the appointment of employees as **railway, canal or steamboat police** on the application of the respective companies.



Similar police powers are extended to conductors of street and interurban railways by two amendments of Ohio laws ['04 p.84, 392]; and by a Virginia amendment ['04 ch.169] which gives duly appointed railway employees all the powers of any constable or police officer in all cases in which the rights of such railway company are involved. **Mileage tickets**, "good for the purchaser and the actual members of his or her family living with the purchaser at the time of purchase" were authorized by a South Carolina law ['04 ch.250], but no definition of membership in a family was attempted though the names of persons entitled to use the ticket may be entered on it.

The Legislature of Ohio enacted one original act ['04 p.546] and three amendments ['04 p.537, 301, 548] relating to **crossings**. One law is extended so as to provide for crossings of steam railways with street and interurban railways at grades not exceeding the established grades on the divisions affected. Another makes the construction of overhead crossings or subways dependent on the action of the municipalities concerned. The third amendment supplements an existing law by giving the Court of Common Pleas jurisdiction to ascertain and define the manner in which one steam railroad shall cross another within corporate limits, subject to the limitations of the grade existing on the division on which the improvement is to be made. The new law of Ohio prohibits grade crossings between steam railways and highways unless authorized by the Court of Common Pleas on grounds specified in the petition of a railway company or municipality requesting a grade crossing. All other crossings shall be either above or below grade. Maryland ['04 ch.620] added a new section to her general railway laws which provides that railway companies may establish, at their own cost, crossings over public highways, either over grade or under grade. Companies are empowered to exercise the powers of condemnation for the purpose of acquiring such additional property and rights as may be necessary for the construction of the crossings. The law also specifies, in a general way, the manner in which the crossings shall be constructed. Municipalities in New Jersey are authorized ['04 ch.209] to issue bonds, when necessary, in order to meet their share of the expense in changing the grades of railways within their limits.

The ancient topic of **consolidation** was remembered in Ohio ['04 p.570] where an amendment was passed authorizing electric and steam railways to consolidate, subject to the provisions of the general railway law governing consolidations; "but the pro-



visions herein as to companies owning competing lines of road, shall not apply to companies whose lines of road are nearly or wholly situate in any municipal corporation of this state." New York added an unimportant amendment relating to the location of the principal office of a consolidated company ['04 ch.228].

Separate accommodations for white and colored persons gave rise to two acts in Maryland ['04 ch.109, 100] and one each in South Carolina ['04 ch.249] and Mississippi ['04 ch.99]. The Maryland acts relate to railways and steamships, respectively, and provide for the usual regulations governing the color line in transportation, excepting from the operation of the act nurses, attendants and other persons specified in the law; and prescribing a penalty for railway officials who may be found derelict in the execution of the law. The South Carolina act is an amendment which extends the provisions of the law to steam ferries and which construes the furnishing of separate "cabins" as compliance with the law. The Mississippi law applies also to street railways.

South Carolina further ['04 ch.196] compels railway companies to carry not exceeding 200 pounds of baggage free of charge and declares ['04 ch.230] bicycles and baby carriages baggage. This furthermore prescribes ['04 ch.379] periods of time within which freight shall be transported.

Virginia ['04 ch.153] introduces a new element into her railway legislation by authorizing the proper authorities to prohibit either absolutely or conditionally excursions on steam or electric railways, or on steamboats to certain places, subject to a fine of not less than \$100 nor more than \$500 for each offense. In Virginia also any railway company operating sleeping, dining, palace, parlor or chair cars in Virginia may exclude any and all persons, who in the discretion of its officers it deems fit to exclude from such cars ['04 ch.85]. Again, Virginia declares ['04 ch.48] the words "railway" and "railroad" to be synonymous in all legal proceedings and in the constructions of the courts of the commonwealth.

The Alabama law providing for the **examination of railway employees** was amended ['03 p.162] so as to include among the specific qualifications the ability and capacity to see and distinguish objects and colors and to hear sounds to a satisfactory degree. A constitutional amendment of vague phraseology ['04 ch.16] was passed by the Legislature of Louisiana and adopted by the people at the November election, extending the time limit for the **exemption from taxation** of railways newly constructed to those completed on or before Jan. 1, 1909. The date, on or before which the New York Railway Commission shall provide railway



companies with report blanks, has been changed from Sep. 15 to June 30, thus bringing this date in harmony with what has become almost universally the fiscal railway year in the United States [N. Y. '04 ch.158]. The Ohio law relating to automatic couplers and air brakes has been amended ['04 p.615] so as to restrict the application of the law to standard gage cars, till Mar. 1, 1910, after which it shall apply to all cars used in the operation of steam railways in the state.

In regard to electric railways, Alabama amended a law ['03 p.384] so as to make its provisions conform to some of the worst practices of our early steam railway era. The incorporators of an electric railway company shall give a "general" description of the route, including termini, "which description may be amended from time to time as such line or lines are changed or extended." Another Alabama law ['03 p. 67] authorizes foreign electric or suburban railway companies which may extend their lines into the state to run their wires along their right of way and to sell electric current to consumers in the same manner as they are doing in the adjacent state. This law is supplementary to one ['03 p.66] which admits foreign companies to the state on filing their charter and meeting the same requirements regarding taxation which govern domestic corporations. The increase of the capital stock of street railway companies is also provided for ['03 p.144]. Massachusetts enacted an important amendment ['04 ch.441] by which the freight business, or business as common carriers, of electric railways was made contingent on the approval of the State Railway Commission. Another amendment [Mass. '04 ch.357] extends existing requirements regarding waiting rooms of railway companies to street railways; and also makes a similar extension of the provisions relating to complaints. The illegal sale of street railway transfers is made punishable by a fine not exceeding \$50 or by imprisonment for a term not exceeding 30 days [Mass. '04 ch.267]. New Jersey took a step toward uniformity by making it possible ['04 ch.243] for street railway companies or companies owning railways operated as street railways to reincorporate under the general law regarding "traction companies." The same state authorizes the construction and operation of street railways by turnpike companies on turnpikes and other highways [N. J. '04 ch.173]. Louisiana ['04 ch.89] has granted municipalities of more than 5000 inhabitants the "power to construct, own and operate street railways within and without their corporate limits." Ohio ['04 ch.206] passed an expropriation law in favor of street railway companies containing the usual provisions.



New York enacted three relatively unimportant laws relating to **canals**. One ['04 ch.14] raises the amount of money which may be advanced to a division engineer from 5 to 20 thousand dollars. Another ['04 ch.335] creates a board of three special examiners and appraisers, whose duty it shall be, under the direction of the Canal Board, to acquire desirable and necessary lands for canal purposes. The third law ['04 ch.200] continues the Board of Consulting Engineers, appointed under the act providing for the improvement of the Erie and other canals, in office till the construction authorized by the act shall have been completed. An amendment to an Ohio law ['04 p.103], makes the members of the Board of Public Works ['04 p.184] superintendents of the canals of the state. They shall give all their time and attention to the work and receive a salary of \$1500. The Board of Public Works is also authorized to appoint superintendents of repairs. Another law [Ohio '04 p.534] specifies the manner in which the board shall dispose of receipts from land sales. Oregon ['03 p.11, ex. sess.] created a board of commissioners of canals and locks, with authority to expend not to exceed \$100,000 for the improvement of specified sections of the Columbia river; and to convey the right of way and improvements to the United States free of cost. The act declares that an emergency exists which involves the public peace, health and safety of the commonwealth, and on account of which the act is excepted from the operation and power of the referendum, going into effect immediately.

A law of South Carolina ['04 ch.281] places **telegraphs and telephones** under the jurisdiction of the State Railway Commission, with power to regulate rates, establish connections, and, in general, control the service. Telegraph and telephone companies are required to contribute their share toward the expenses of the commission. Kentucky ['04 ch.71] passed a simple act relating to the right of way of telegraph and telephone companies.

Acts relating to **bridges** do not contain any noteworthy feature. They all deal with matters common to such acts and reveal no new principles or rules of action. The same may be said regarding the legislation relating to **ferries and viaducts**. An Illinois law was declared unconstitutional in so far as it penalizes unlicensed ferries carrying railway cars between states, on the ground that it was an interference with interstate commerce.



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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 252

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Commerce and Industry      George Mygatt Fisk  
Banking      William A. Scott

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**COMMERCE AND INDUSTRY<sup>1</sup>**

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The different states have, during the year 1904, passed various laws relating to commerce and industry, the most important being those regarding weights and measures, adulterations and imitations, branding, inspection, warehouses, markets, regulation and licensing of trades and occupations, encouragement of industries, miscellaneous trade regulations and navigation.

**Weights and measures.** Laws relating to weights and measures have received less attention at the hands of legislators than in the preceding year. Virginia ['03 ch.454] repealed the law requiring the register of the land office to serve as superintendent of weights and measures and Alabama ['03 p.395] prescribed the use of "standard railroad central time" in legal computation. Louisiana ['04 ch.80] amended a law passed in 1888 relative to gaging boats containing coal and coke when the gagers were "called upon for that purpose," the new law making such gaging compulsory. The same state ['04 ch.85] also enacted that shrimps be measured by the basket and that each basket contain 70 pounds. The governor of Rhode Island in his message of Jan. 5, called attention to the fact that the sealer of weights, measures and balances had recommended that an equitable scale of fees for testing scales be adopted and also that milk jars and coal baskets be required by law to be of standard capacity. This recommendation was not incorporated into law.

**Adulterations and imitations. Branding. Inspection.** Fifteen laws were passed during 1904 relating to adulterations and imitations, five of the laws being original, and the remaining being amendments or revisions of existing laws. They included such subjects as commercial feed for stock, fertilizers, lime, cement, paris green, petroleum products and seeds. Two original laws and four amendments were passed in regard to branding and

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<sup>1</sup>See also Governors Messages and Index of Legislation, 1422



inspection most of them having to do with union labels, bottles, cans and other receptacles.

Louisiana ['04 ch.153] and Ohio ['04 p.395] enacted comprehensive laws regulating the sale of commercial feeding stuffs. The two laws are very similar, the more important provisions requiring manufacturers to forward statement of ingredients and sample to a state board, who is compelled to issue inspection certificates and tags which are attached to the product and contain a statement of the ingredients of the same. Two other states, Massachusetts ['04 ch.332] and New York ['04 ch.558], amended existing laws on the subject, the general purpose of the amendments being to more effectually regulate the sale of commercial feed for stock.

Laws were passed in six states prescribing regulations for the sale of commercial fertilizers. Their general purpose and character were not essentially different from those relating to commercial feeding stuffs, the laws of Mississippi ['04 ch.111] and New York ['04 ch.567] for example requiring that all commercial fertilizers be properly labeled, each label registering the weight, address of manufacturer and the chemical analysis of the package to which it is attached. The Mississippi law excepted cotton seed products while an amended law in South Carolina included cotton seed meal.

A law in Alabama ['03 p.248, 389] designated the testing laboratory of the University of Alabama as State Testing Laboratory for cements and other materials of construction.

As regards petroleum products recommendations were made by the governors of Florida ['03 p.51-52] and Iowa ['04 p.21], the former advising "that a law be enacted requiring an inspection of illuminating oils by the state chemist." Iowa ['04 ch.87] revised a law on this subject, the purpose of the revision being to render more effective the general inspection of illuminants by providing more adequate assistance, compensation and reports, as well as greater centralization of responsibility.

Kentucky ['04 ch.82] made it a misdemeanor to sell certain adulterated, mixed or misbranded grass and clover seeds, while New York ['04 ch.286] regulated the sale of imported ginseng by requiring a label to show the country where the roots or seeds were grown.

There were six laws relating to branding and inspection, all but one being in New York. Their general purport was to protect the owners of certain classes of trade-marks against their illegal



use by others. Illinois had in 1901 passed a law providing for the registration of trade-marks: possession of receptacles bearing such marks was to be prima facie evidence of unlawful possession. This law was declared to be unconstitutional on the ground that it was special and class legislation [*Horwich v. Walker-Gordon Laboratory Co.*, 68 N. E. 938].

**Warehouses and markets.** Very little legislation relating to these subjects was enacted during the year and its scope was unimportant. Kentucky ['04 ch.57] extended the provisions of a former law ['93 ch.256] so as to include storage rights to cotton seed oil in warehouses and the issuance of receipts therefor. In Mississippi ['04 ch.89] warehouse receipts were made conclusive evidence of the receipt of the property. Miscellaneous amendments to existing laws were made in South Carolina ['04 ch.271] relating to tobacco warehouse charges and an amendment to Maryland law ['04 ch.336] allowed additional inspection service in state warehouses.

**Regulation and licensing of trades and occupations.** Under this category there were 14 laws, seven of them being new statutes. The number is far short of that of the preceding year which was 54, 29 being original. There are several subjects such as the regulation and licensing of engineers, medicine, pharmacy and law which belong more properly to the general subject of "public health and safety" and the "administration of justice" and are treated elsewhere. The above list does not also include four laws passed in previous years but declared unconstitutional by the courts during 1904. The more important laws regulating and licensing trades and occupations include accountants, auctioneers, barbers, hawkers and peddlers, junk and secondhand dealers, nurses, plumbers etc.

Following the example of Illinois and Washington in 1903, New Jersey ['04 ch.230] passed a law to regulate the practice of the profession of public accountants. The law provided for a state board of public accountants of three persons to be appointed by the governor. The principal duty of the board is to conduct semi-annual examinations and to recommend to the governor that those successful in these examinations be appointed "certified public accountants." The law gives much less power or responsibility to the examining board than is the case in Illinois and Washington. The granting of the certificate is optional with the governor and not only that but he may revoke a certificate after having granted it (on the recommendation of the board), and even



waive the examination altogether provided the applicant has practised accountancy for more than three years before the passage of the act.

In the regulation of trades and occupations there is a general tendency toward the appointment of special state boards. This is evidenced not only in the case of the New Jersey accountancy law but also in other lines. Maryland for example created a board of barber examiners ['04 ch.226] as well as a board of examiners of nurses ['04 ch.172]. The principal duties of the former consist in inspecting the sanitary conditions of barber shops, granting certificates and making an annual report to the state comptroller, while the latter board issues certificates to nurses who are generally required to have an education equivalent to a high school course and a diploma from a training school for nurses which represents three years of training and practice.

Various other laws of a miscellaneous character increase the license fees and exempt certain classes such as honorably discharged veterans. This is particularly the case in regard to auctioneers, hawkers and peddlers. A New Jersey law ['04 ch.52] regulating the business of junk dealers requires loan and purchase books to be kept open for inspection by police officers.

Previous laws enacted in Idaho ['01 p.155], Wisconsin ['01 ch.341], Minnesota ['01 ch.356] and North Carolina ['03 ch.247 §36] have been declared unconstitutional. The Idaho law licensed peddlers, hawkers and solicitors. The Supreme Court decided that runners for wholesale houses taking orders from merchants only could not be compelled to pay the license on the ground that it was clearly class legislation and contravened both federal and state Constitutions [In re Abel, 77 P. 621]. The Wisconsin law was similar, but exempted certain classes. The court declared these exemptions to be unconstitutional on the ground that they represented unequal taxation and denied equal protection of the law [State v. Whitcom, 99 N. W. 468]. The Minnesota law required plumbers in cities of 10,000 to be licensed by the state board. This was declared to be unconstitutional on the ground that it was special legislation since it exempted master plumbers and cities of 10,000 having a sewerage system or waterworks [State v. Justus, 97 N. W. 124]. Finally North Carolina ['03 ch.247 §36] imposed a license tax on itinerant vendors of stoves within the state. The Supreme Court of the state [Wrought Iron Range Co. v. Campen, 47 S. E. 658] maintained that in so far as it applied to sales by sample of goods manufactured without the state, shipped into the



state and delivered in original packages, it was unconstitutional since it was a restriction on interstate commerce.

**Miscellaneous trade regulations.** The principal laws in this category relate to advertisements, holidays and trading stamps. The extensive use of advertising has developed many abuses which legislation is aiming to remove. In New York ['04 ch.423] it is declared to be a misdemeanor to publish false or misleading statements relative to merchandise offered for sale. Likewise it is a misdemeanor in Iowa ['04 ch.137] to advertise the sale of liquor or tobacco within 400 feet of a public school building and in Virginia to use a name or picture for advertising purposes without the person's consent.

The general tendency toward an increase in the number of legal or public holidays noted in last year's review is reflected by laws passed in Louisiana ['04 ch.3] and Mississippi ['04 ch.88] while Ohio ['04 p.160] repealed an enactment which limited Saturday half holidays to cities of 50,000 or over.

To remedy the abuses connected with the so called trading stamps several of the states passed laws, some of which were prohibitory in character, while others attempted to regulate the matter by taxing, licensing or requiring the value of the stamps in legal money to be printed on the face. In 1898 Vermont ['98 ch.123] penalized the use of these stamps but the court decided the law to be unconstitutional since it violated the 14th amendment of the United States Constitution by abridging the privileges and immunities of citizens and depriving them of their property without due process of law [State v. Dodge, 56 A. 983].

**Encouragement of industries.** Legal encouragement to industries was rendered in the form of bonuses, taxation exemptions, bounties, appropriations for expositions and laws aiming to attract immigrants or capital. Most of the laws relating to expositions consisted of additional appropriations for the Louisiana Purchase Exposition. Mississippi ['04 ch.126] and Alabama ['03 p.565] passed laws exempting certain industries from taxation for a period of years. Florida and Tennessee proposed amendments to their Constitutions which would permit their doing the same but these proposals were rejected. Minnesota ['99 ch.307] had formerly provided a bounty of 1 cent a pound for sugar from beets and sorghum but this law was declared to violate those provisions of the Constitution which prohibited expenditures not for public purposes and the use of state credit for private purposes [Minnesota Sugar Co. v. Iverson, 97 N. W.454]. Many states, particu-



larly those in the South, have adopted various expedients in recent years to advertise their resources for the purpose of attracting foreign capital and labor. Louisiana ['04 ch.150] and New Jersey ['04 ch.72, '04 ch.199] have been specially active in this respect during 1904. Governor Heard of the former state refers, in his annual message, to the beneficial results attending the large number of real estate and colonists excursions as well as the various organizations formed for the purpose of advertising the state and attracting immigrants. "These organizations," he tells us, "number 40 and the influence of their work can not be overestimated." The governor of Maryland affirms that the State Bureau of Immigration has been largely instrumental in locating over 4000 settlers in Maryland and has added in finding a market for nearly 35,000 acres of land sold to these immigrants. The governors of Georgia and South Carolina both advocated the creation of a state bureau of immigration. The latter state acted on the recommendation of its executive and established a department of agriculture, commerce and immigration which is "charged as far as possible with the execution of the work usually devolved upon a bureau of immigration, a bureau of agriculture and a bureau of publicity" ['04 ch.259].

**Navigation and waterways.** There is no state legislation relating to navigation and waterways of any other than a local interest. Perhaps the most important law was one in California ['03 ch.211] providing for a \$2,000,000 bond issue to construct a sea wall in the city and county of San Francisco.



## BANKING

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The legislation of our states in 1904 exhibits no new features so far as it pertains to banks and allied institutions. The same tendencies noted in previous reviews as regards the differentiation of these institutions from other corporations, special statutes for the regulation of commercial banks, trust companies, savings banks, investment companies, building and loan associations and pawnbrokers, and the amendment of defects in existing laws are observable. The most noteworthy laws of these classes for the year 1904 were the general banking act of Alabama and the amendment to the Constitution of Texas pertaining to the same subject, the act of Massachusetts pertaining to trust companies, the laws enacted in Massachusetts, Georgia and Iowa for the regulation of investment companies, and those enacted in Ohio and New Jersey with reference to pawnbrokers.

**Commercial banks.** The general banking act of Alabama ['03 p.483] was approved Oct. 10, 1903. It is supplementary to the Code adopted in 1897, which contained several provisions regarding banking institutions. Among the regulations not included in the Code are provisions requiring reports to the state treasurer at least twice a year and special reports from particular banks whenever the treasurer may desire, inspection by bank examiners at least once a year and twice a year if possible, a reserve of 15% of demand liabilities, of which threefifths may consist of balances due from other banks, and a limitation of the loans to any one person, firm or corporation to 10% of the capital, surplus and undivided profits, except when made on ample collateral security or on the approval of a majority of the directors. Among the modifications of the law as stated in the Code, the most important is the reduction of the capital requirement for banks in small towns. The old law prescribed for banking corporations a subscribed capital of at least \$50,000 and a paid-up capital of at least \$25,000. The new law fixes the minimum paid-up capital for towns of 2500 inhabitants or less at \$10,000, and for larger towns at \$25,000.

One misses in this law the more detailed regulations regarding investments which are found in the banking laws of many states, particularly those with reference to real estate, and provisions regarding the liability of stockholders and the accumulation of a surplus. Some of the regulations prescribed are not very string-



larly those in the South, have adopted various expedients in recent years to advertise their resources for the purpose of attracting foreign capital and labor. Louisiana ['04 ch.150] and New Jersey ['04 ch.72, '04 ch.199] have been specially active in this respect during 1904. Governor Heard of the former state refers, in his annual message, to the beneficial results attending the large number of real estate and colonists excursions as well as the various organizations formed for the purpose of advertising the state and attracting immigrants. "These organizations," he tells us, "number 40 and the influence of their work can not be overestimated." The governor of Maryland affirms that the State Bureau of Immigration has been largely instrumental in locating over 4000 settlers in Maryland and has added in finding a market for nearly 35,000 acres of land sold to these immigrants. The governors of Georgia and South Carolina both advocated the creation of a state bureau of immigration. The latter state acted on the recommendation of its executive and established a department of agriculture, commerce and immigration which is "charged as far as possible with the execution of the work usually devolved upon a bureau of immigration, a bureau of agriculture and a bureau of publicity" ['04 ch.259].

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In this connection should be mentioned another act ['03 p.477] approved Oct. 9, 1903, for the protection of banks and banking institutions. It aims to prevent the accumulation of checks, drafts and other demands on a bank for the purpose of starting "a run," or of embarrassing the bank. It provides that such action shall constitute a misdemeanor and be punishable by a fine of not less than \$500 and not more than \$2000.

An amendment passed Mar. 19, 1903 ['03 p.160] permits an extension of existing bank charters for 20 years from any date fixed by stockholders antecedent to the date of expiration of existing charters or from the date of filing the resolution of extension with the judge of probate. The amendment further provides that subsequent extensions shall be for a period of 12 years only. The period of incorporation under the old law was 30 years.

The Constitution of Texas, adopted Feb. 17, 1876 [Art. 16, §16], provided that "no corporate body shall hereafter be created, renewed or extended with banking or discounting privileges." Up to date, therefore, the banking business in Texas has been confined to national institutions and to private persons or partnerships operating without corporate privileges. Ap. 1, 1903 the Legislature of Texas adopted an amendment to this section of the Constitution, authorizing the incorporation of banking institutions, provided that the shareholders be liable for debts to an amount equal to the par value of their shares, that the capital stock be paid in in full, that branch banking be not permitted, and that foreign corporations other than national banks be prohibited from carrying on a banking business in the state. This amendment was submitted to the people in November 1904, and adopted, and the Legislature at present in session has passed a general banking act which is now (Ap. 17) awaiting the signature of the governor.



The amendments to banking laws passed in other states during the year 1904 are of minor importance. Virginia ['04 ch.578] extended the scope of her banking laws by making them applicable to all kinds of institutions chartered under the laws of the state and conducting a banking business therein, and provided for the protection of the state against insolvent institutions by making it the duty of the corporation commission to notify the auditor and treasurer of the condition of such a bank, and, in case it considers such action necessary, to apply to the proper court for the appointment of receivers. A further clause inflicting a penalty for the acceptance of deposits after a bank is insolvent is also included. Ohio ['04 p.266] amended her law so that reports from banking institutions shall be required *at least twice annually* instead of on the first Monday of April and October. South Carolina adopted an amendment ['04 ch.215] providing for quarterly statements from private as well as chartered banks and for the publication of all bank statements in a newspaper of the city, town or village in which the bank is located. Louisiana ['04 ch.100] authorized state banks to issue interest-bearing time deposit certificates.

**Trust companies.** In 1902 the Legislature of Massachusetts provided for the appointment of a commission to investigate and report a general law for the formation of trust companies. The law ['04 ch.374] enacted by the Legislature last year was presumably thus prepared, though I have no information on that point. It is devoted chiefly to provisions relative to the procedure to be followed in the incorporation of such companies and to the maintenance of a reserve fund. At least 15 persons are required to form such a corporation. They must give notice of their intention to the Board of Commissioners of Savings Banks, who, after publication of such notice for three successive weeks in one or more newspapers of the city or town in which the new establishment is to be located, and after the receipt of an application, may grant or refuse a certificate stating that public convenience and advantage will be promoted by the establishment of such trust company. The certificate of incorporation is granted by the secretary of the commonwealth.

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In this connection should be mentioned another act ['03 p.477] approved Oct. 9, 1903, for the protection of banks and banking institutions. It aims to prevent the accumulation of checks, drafts and other demands on a bank for the purpose of starting "a run," or of embarrassing the bank. It provides that such action shall constitute a misdemeanor and be punishable by a fine of not less than \$500 and not more than \$2000.

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The Constitution of Texas, adopted Feb. 17, 1876 [Art. 16, §16], provided that "no corporate body shall hereafter be created, renewed or extended with banking or discounting privileges." Up to date, therefore, the banking business in Texas has been confined to national institutions and to private persons or partnerships operating without corporate privileges. Ap. 1, 1903 the Legislature of Texas adopted an amendment to this section of the Constitution, authorizing the incorporation of banking institutions, provided that the shareholders be liable for debts to an amount equal to the par value of their shares, that the capital stock be paid in in full, that branch banking be not permitted, and that foreign corporations other than national banks be prohibited from carrying on a banking business in the state. This amendment was submitted to the people in November 1904, and adopted, and the Legislature at present in session has passed a general banking act which is now (Ap. 17) awaiting the signature of the governor.



The amendments to banking laws passed in other states during the year 1904 are of minor importance. Virginia ['04 ch.578] extended the scope of her banking laws by making them applicable to all kinds of institutions chartered under the laws of the state and conducting a banking business therein, and provided for the protection of the state against insolvent institutions by making it the duty of the corporation commission to notify the auditor and treasurer of the condition of such a bank, and, in case it considers such action necessary, to apply to the proper court for the appointment of receivers. A further clause inflicting a penalty for the acceptance of deposits after a bank is insolvent is also included. Ohio ['04 p.266] amended her law so that reports from banking institutions shall be required *at least twice annually* instead of on the first Monday of April and October. South Carolina adopted an amendment ['04 ch.215] providing for quarterly statements from private as well as chartered banks and for the publication of all bank statements in a newspaper of the city, town or village in which the bank is located. Louisiana ['04 ch.100] authorized state banks to issue interest-bearing time deposit certificates.

**Trust companies.** In 1902 the Legislature of Massachusetts provided for the appointment of a commission to investigate and report a general law for the formation of trust companies. The law ['04 ch.374] enacted by the Legislature last year was presumably thus prepared, though I have no information on that point. It is devoted chiefly to provisions relative to the procedure to be followed in the incorporation of such companies and to the maintenance of a reserve fund. At least 15 persons are required to form such a corporation. They must give notice of their intention to the Board of Commissioners of Savings Banks, who, after publication of such notice for three successive weeks in one or more newspapers of the city or town in which the new establishment is to be located, and after the receipt of an application, may grant or refuse a certificate stating that public convenience and advantage will be promoted by the establishment of such trust company. The certificate of incorporation is granted by the secretary of the commonwealth.

The intention of the act seems to be to grant large discretionary powers to the Board of Commissioners of Savings Banks in the matter of permitting or refusing the incorporation of such companies. The capital stock is not fixed in amount, the only provisions pertaining thereto requiring the proposed incorporators to



state in their petition to the board the amount of their capital stock and the number of shares into which it is to be divided, and to have paid the full amount subscribed in cash before the certificate of incorporation is granted. The refusal of the board to permit the existence of such a company apparently may be the result simply of the belief of its members that public convenience and advantage will not be promoted by its formation. The absence of provisions defining the powers and scope of the business of such companies seems also to leave to this board the decision whether the business proposed by the association in question is really to be regarded as that of a trust company or not.

Section 7 of the act implies that such companies may carry on the business of commercial banking, inasmuch as it provides that a reserve must be kept of 15% of deposits withdrawable on demand or within 10 days; that at least one third of such reserve shall be in lawful money; that not less than one half of the remainder may consist of balances payable on demand due from any national banking association in Massachusetts or New York city; and that the remainder may consist of United States and Massachusetts bonds which are the absolute property of such corporation, and which shall be computed at their par value.

During the past year the Legislature of New York passed two acts amendatory of her laws pertaining to trust companies, one ['04 ch.492] prohibiting foreign trust companies to do business in the state, and the other ['04 ch.479] making the provisions of her law regarding the investment of capital and deposits apply also to the surplus and undivided profits. Iowa ['04 ch.65] imposed the same capital requirements on trust companies that apply under her laws to savings banks; and Kentucky ['04 ch.78] changed her capital requirements so as to prevent the organization of such companies in counties having less than 25,000 inhabitants and to raise the minimum capital requirement in counties of over 40,000 inhabitants from \$50,000 to \$100,000. Minor amendments were also passed in Maryland ['04 ch.92, 101 and 251].

**Savings banks.** Regarding savings banks the only legislation of the year worthy of note here originated in the New York and Massachusetts Legislatures. The former state ['04 ch.568] authorized the establishment of so called "school savings banks" by providing that any principal, superintendent or other person designated by the board of education or other school authorities, may collect savings from students and deposit them in some savings bank to their credit, or, in case the amounts are too small, to



his own credit till they become large enough to be transferred to that of the student. The act further amends those provisions of the law relative to the use of the term savings bank so as to permit the employment in circulars or otherwise of such expressions as "school savings banks" or "system of school savings banks" as descriptive of the processes and methods of saving authorized by this act.

The Legislature of Massachusetts passed two amendments, one ['04 ch.208] permitting the investment of the funds of savings banks in bonds of incorporated water districts of any of the New England states or in the bonds or notes of any of the cities of those states whose net indebtedness does not exceed 5% of the last preceding assessed valuation of the property within its limits, or in the bonds or notes of any county or town whose indebtedness does not exceed 3% of such valuation. The second amendment ['04 ch.210] permits savings banks to invest in the notes of private citizens of Massachusetts, provided they are secured by the bonds of street railway companies of the classes in which savings banks are permitted to invest under existing laws.

**Investment companies.** The three general laws regarding investment companies referred to above possess interesting features of resemblance and of difference. All three attempt a definition of the kinds of business conducted by this class of companies, provide for some sort of guaranty of financial soundness through deposits of securities with some state officer, give such officer or officers authority to examine into their condition, and under certain circumstances to wind up their affairs.

The definition of powers contained in the Georgia statute ['04 p.74] is as follows: "Every corporation of the character generally known as investment companies, organized, or which may be hereafter organized under the laws of this state for the purpose of conducting a business of placing or selling certificates, bonds, debentures, certificates of interest, or investment securities of any kind on the partial payment, instalment or any other plan of payment, and providing for the redemption and retiring of the same, or any part thereof." The Iowa law ['04 ch.66] puts the matter as follows: "The term 'association' when used in this act shall mean any person, firm, company, partnership, association or corporation other than building and loan associations and insurance companies and associations, which issue stocks on the partial payment or instalment plan. The term 'issue' shall mean issue, sell, place, engage in or otherwise dispose of or handle. The term



'stock' shall mean certificates, memberships, shares, bonds, contracts, debentures, stocks, tontine contracts, or other investment securities or agreements of any kind or character issued upon the partial payment or instalment plan." In the Massachusetts law ['04 ch.427] the statement is: "The business of issuing, negotiating or selling any bonds, certificates or obligations of any kind on the partial payment or instalment plan, unless such bond, certificate or obligation shall at the time of issuance, negotiation or sale be secured by adequate property, real or personal, shall be transacted in this commonwealth only by corporations subject to the requirements of this chapter."

As a guaranty of soundness and good faith the Georgia law requires the maintenance of a reserve fund equal to 75% of the amount collected in premiums, such fund to be invested in real estate, liens on real estate, United States, state, city, town or county bonds, or any other security approved by a majority of the board of directors, and the deposit of \$25,000. in cash or in such securities with some state depository or trust company. The Iowa law requires the deposit of an approved bond or of \$25,000 of approved securities before the beginning of business, and, at the end of the calendar year in which business is begun, of an amount of securities equal to all its liabilities, but not less than \$25,000. The Massachusetts law ['04 ch.427] requires a fully paid-up capital of \$100,000 in cash or in securities such as savings banks are permitted to invest in, such securities to be deposited with the state treasurer or some other duly authorized officer.

All three states authorize some officer to make examinations into the affairs of the companies at the latter's expense; require annual statements and an annual license fee, in Georgia of \$50, in Iowa of \$10 (after the first year, in which the fee is \$25), and in Massachusetts of \$20; and provide for the withdrawal of the license, but on different conditions. In Georgia the governor must revoke the license if upon examination the assets of the company shall not be sufficient "to equal in value the reserve fund contributed by every contract in force, plus the interest at 3½% a year, compounded annually." In Iowa the auditor of state may revoke a company's certificate authorizing it to do business in the state "if upon such examination, it shall appear that such association does not conduct its business in accordance with law, or if it permits forfeiture of payments by persons holding its stock, after three years from the issuance of said stock or provides for the payment of its expenses other than from earnings, or that any



profits, advantage or compensation of any form or description is given to any member or investor over any other member or investor of the same class, or if beneficiaries are selected or determined or advantages given one over another by any form of chance, lottery or hazard, or if certificates of stock are by their terms or by any other provision to be redeemed in numerical order, or by any arbitrary order or precedence, without reference to the amount previously paid thereon by the holder thereof, or that the affairs are in an unsound condition, or if such association refuses such examination to be made." In Massachusetts the commissioners of savings banks are required to suspend the right of domestic companies to do business so long as they refuse to file the annual statements required by the law after due notice of such failure has been served upon them, and in the case of a foreign company they are required to order such suspension of business if it is "in an unsound financial condition," or "has failed to comply with the law or if its officers or agents refuse to submit to examination or to perform any legal obligation relative thereto." Aside from this the penalties for violations of the law are a forfeiture of \$100 a day during the period of neglect to furnish the required statement and a fine of not more than \$500 for violating any provision of the act. In this connection section 6 of the law should be noted. It reads as follows: "Every corporation subject to the requirements of this chapter shall provide in every bond, certificate or contract issued by it that, after one fourth of the total amount of instalments therein required has been paid and in any event after instalments for two full years have been paid thereon, in case of default in the payment of any subsequent instalment a paid-up bond shall be given to the holder of said bond, certificate or contract, of not less than the full amount paid thereon less any amount paid by said corporation on account thereof, said paid-up bond to mature at the same date as the original bond, certificate or contract; and no such corporation shall provide for the payment of profits in the form of dividends or otherwise, except from earnings, nor pay any part of the payments made by the holder of any bond, certificate or contract in force to the holder of any other bond, certificate or contract: *provided, however*, that nothing herein contained shall be construed to prohibit the payment of accumulations by such corporation on its contracts at their final maturity."

**Pawnbrokers.** Regarding pawnbrokers the most important legislation of the year was that of Ohio which passed a general law ['04 p.134] regulative of this branch of business. It provides



that companies may be incorporated for the purpose of making loans upon pledges and mortgages of goods and chattels, but that such associations shall not receive money on deposit or engage in the business of banking. The maximum capital permitted is \$500,000 and the minimum \$20,000, of which, however, only \$5000 must be paid in. Loans must be made on goods and chattels in the order in which they are offered, the only discrimination permissible being in favor of small loans to the indigent. The amount loaned must not exceed four fifths of the appraised value of gold and silver plate and ware and two thirds the appraised value of other goods and chattels. The interest charged must not exceed 8% a year plus 10% for insurance and expenses of all sorts. Pledged property must be redeemable at all times before the maturity of the loan, and, if not redeemed, must be sold at auction, and the net surplus kept for the owner for a period of three years, after which it forfeits to the company.

In this connection may be appropriately summarized the provisions of a New Jersey law ['04 ch.96] pertaining to provident loan associations. The loans provided for by this act resemble those of pawnbrokers more closely than any others, though they are to be made to those persons only who are deemed to be in need of pecuniary assistance and are not supposed to be a source of great profit to the association making them. It provides for the incorporation of associations with a capital of not less than \$2000, of which at least \$1000 shall be paid in, for the purpose of loaning money on pledges or mortgages of personal property and other lawful securities to persons deemed to be in need of pecuniary assistance. The rate on such loans must not exceed 2% a month for a period of two months or less and 1½% a month thereafter, and no dividends above 6% are permitted. After the accumulation of a surplus equal to 15% of the capital, profits in excess of 6% shall be used to lower the rate of interest charged, such reduction to be made by the commissioner of banking. The directors of such an association are not personally liable for its debts and are not allowed to receive pecuniary compensation for their services. The commissioner of banking is authorized to make examinations into the condition of such associations at any time and may apply to the courts for their dissolution in case he finds them insolvent or oppressive in the methods of conducting their business, or in violation of the law.



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**REVIEW OF LEGISLATION 1904**

**LEGISLATION BULLETIN 250**

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Agriculture (general) E. W. Allen  
Horticulture: Diseases and Pests E. P. Felt  
Domestic Animals E. V. Wilcox

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**AGRICULTURE<sup>1</sup>**

**B. W. ALLEN PH.D. OFFICE OF EXPERIMENT STATIONS, UNITED STATES  
DEPARTMENT OF AGRICULTURE**

There was no very extensive legislation relating to agriculture and agricultural institutions during the year 1904. Provision was made for a state commissioner of agriculture, commerce and immigration in South Carolina, which previously had no state officer in charge of its agricultural interests. The state has been among the last to provide such an officer, Mississippi now being the only remaining state in the south with neither a commissioner nor a state board of agriculture. Two new branch experiment stations were established by legislative action in Mississippi and one in Ohio. The fertilizer laws of several states were amended, and feeding stuff laws were passed for the first time in Louisiana and Ohio.

Unfortunately the tendency of the legislation of the past year relating to the control of traffic in fertilizers and commercial feeding stuffs was not in the direction of the uniformity which has been sought in the past and has been quite widely advocated. Some of the amendments provided during the year have little to commend them, and there is danger that they will hamper the legitimate business of manufacturers and dealers by unnecessary restrictions. The prime object of the inspection laws is to protect buyers from fraud by requiring a guaranty of composition and quality, and maintaining an inspection; but the laws of some of the states now go so far as to fix arbitrarily the limits within which the terms "high grade" and "standard" may be used, to limit the grade of complete fertilizer which may be sold in the state, and even to require the manufacturer to tag each parcel of fertilizer with a monetary valuation calculated by the state inspection official. The simpler laws allowing greater freedom of commerce in these articles and affording less annoyance to the trade have proved quite as efficient in states where they have long been tried,

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<sup>1</sup>See also Governors Messages and Index of Legislation, 1822.



as these more stringent laws with provisions of doubtful expediency or constitutionality are likely to prove.

**State departments.** In Massachusetts the proposition outlined in the message of Governor Bates to make the present board of agriculture merely advisory and to create a commissioner of agriculture, with deputies in charge of the cattle, dairy and forest interests did not materialize as considerable opposition to the change was developed. In Louisiana an amendment was passed ['04 ch.194] providing that beginning with 1908 the commissioner of agriculture and immigration is to be elected by popular vote, instead of appointed by the governor as at present. South Carolina passed an act ['04 ch.259] creating a state commissioner of agriculture, commerce and immigration, similar to those of adjoining states, with the object of promoting the industrial development of the state. In Virginia the statutes relating to the meetings of the Board of Agriculture and Immigration were amended ['03 ch.516] so as to provide for regular semiannual meetings.

**Associations and fairs.** In Ohio a statute was passed ['04 p.60] recognizing county societies as bodies corporate and politic, capable of suing and being sued, holding in fee simple such real estate as they have purchased and allowing them to mortgage the grounds of the society, with the consent of the county commissioners provided the property was originally purchased with the aid of funds of the county treasury. The same state also passed an amendment ['04 p.297] relative to the purchase or lease of new sites for holding county fairs. Societies may sell their site for holding county fairs when it is deemed advisable to change the site, giving due notice to the county commissioners in case the county originally contributed toward the purchase of the site. The society may select new tracts to be purchased by the county commissioners, who may issue bonds for the purpose if necessary, the issue of bonds to be ratified by popular vote.

Iowa ['04 ch.150] made an appropriation of \$47,000 for the erection of a permanent fireproof building on the state fair grounds for agricultural, horticultural and dairy exhibits. In Maryland an act was passed ['04 ch.141] providing for the dissolution of the Maryland Mechanical and Agricultural Association, incorporated in 1867, the sale of the lands and other property belonging to the association, and the division of the proceeds among parties entitled thereto, the association not having held any exhibitions for several years past and having in the terms of the act "failed in the purpose for which it was created." In New York the agricultural law



relative to the time of holding the State Fair was amended ['04 ch.447] so as to provide that the State Fair shall not be held on Labor day.

**Farmers institutes.** The interest in farmers institutes and in their more liberal maintenance by the states increases steadily. While no very important legislation was enacted during 1904, the influence of the institute work in the state was felt in the introduction of bills into the Legislatures of 1904-5 in a number of states, with much promise of success. In several cases these measures propose for the first time to make provision for the maintenance of institutes.

The first institutes in Georgia were held last year, and as a result the Legislature during the summer passed a bill making an appropriation for the institute work. In Maryland ['04 ch.557] the state appropriation for institutes was increased from \$4000 to \$6000 a year.

**Experiment stations.** The bill before the House of Representatives to increase the federal appropriation for state experiment stations from \$15,000 to \$30,000 for each state, failed to receive consideration though a strong sentiment in favor of it was developed throughout the country and a large proportion of the representatives had declared themselves in favor of it. The usual state appropriations for the maintenance of the stations and the erection of necessary buildings were passed, there being a considerable increase in a number of instances.

In Mississippi the establishment of two branch experiment stations was authorized ['04 ch.84, 85], one in the northwestern part of the state and the other in the Yazoo and Mississippi delta region. The Legislature of Ohio authorized the establishment of an additional test farm to be located in southeastern Ohio. This farm has since been located in Meigs county about 18 miles south of Athens, to study the agriculture of the hilly counties. The total state appropriation for the Ohio station was \$36,850. The Iowa station received an addition to its maintenance fund of \$15,000 annually, \$3500 annually for good roads investigation, and the college with which it is connected received an aggregate of \$84,000 for the dairy department, including a new dairy building and equipment and a new dairy farm, which will aid the station very materially in its dairy investigations.

In New York, after a severe fight with other universities in the state, an appropriation of \$250,000 was secured for buildings for the agricultural department of Cornell University, thus recognizing the claims of this department on the state. The reorganization of



the College of Agriculture has already strengthened the experiment station, and the new buildings provided for will materially improve its equipment. The Legislature of Vermont appropriated \$60,000 for the erection and equipment of an agricultural building which has been greatly needed by the agricultural department of the State University and the State Experiment Station.

In New York the law relating to the board of control of the State Experiment Station was amended ['04 ch.439] with reference to the representation on the board. The new law makes the commissioner of agriculture a member of the board *ex officio*, and provides for seven members to be appointed by the governor instead of nine as formerly, the appointed members to serve for three years. The duties of the board, with reference to the appointment of members of the station staff and the management of the work, are more definitely defined than formerly, as well as the objects of the experiment stations. The annual report of the experiment station is made a part of the report of the state commissioner of agriculture. Another act ['04 ch.570] authorizes the station to publish bulletins reporting the results of its analyses in connection with the inspections authorized by previous acts, it having developed in the course of the year in connection with a controversy involving the station that there was no authority in law for the publication of the results of inspection of fertilizers.

In Alabama the statute relating to the board of control of the branch agricultural experiment stations and schools was amended ['03 p.259] so as to include five appointees on the board instead of three from the congressional district where the school is located, and so as to give the professor of agriculture of the Alabama Polytechnic Institute a part in the direction of the course of study and experimentation.

**Commercial fertilizers.** While there were no new laws during the year relating to the control of the trade in commercial fertilizers, there were a number of important amendments to existing laws. The fertilizer law of Alabama was revised, the new law ['03 p.78] containing several new provisions and restrictions. The most important among these requirements are the provision that the guaranty filed with the commissioner of agriculture shall state the source from which the nitrogen, phosphoric acid and potash are derived, the prohibition of the sale of leather as a fertilizer, and the limits fixed to the use of the terms "high grade" and "standard" fertilizers. The sale of complete fertilizers is restricted to those containing at least 12% of total plant food. The same state also



amended ['03 p.65] its fertilizer law so as to reduce the tag tax to 3 cents (formerly 5 cents) and give to the Alabama Polytechnic Institute one third (formerly one sixth) of the net proceeds from the tag tax, mentioning among the uses which may be made of this money by the institute the establishment of a department of animal industry.

An amendment to the Kentucky law ['04 ch.84] makes the very unusual provision that the labels or tags which are issued by the experiment station to fertilizer manufacturers shall contain, in addition to the analysis of the fertilizer, an estimated value of the fertilizer per 100 pounds on the basis of the analysis. The publication of valuations in connection with the results of the fertilizer inspection has been strongly opposed by fertilizer manufacturers and dealers in the past, and has been so generally conceded to be somewhat questionable that the tendency of recent fertilizer legislation has been to eliminate the valuation clause. The provision of the new Kentucky amendment to require the valuation to be stated on the tag is a radical departure and is probably the only requirement of the kind in the country.

Mississippi supplemented its present fertilizer law by a new act ['04 ch.111] requiring all fertilizers, except cotton seed products, to be branded either "high grade," "standard," or "off grade," and defining the meaning of these terms in percentages of potash, nitrogen and phosphoric acid. No complete fertilizer containing less than 12% of total available plant food is to be offered for sale in the state. The New York fertilizer law was amended ['04 ch.567], placing the enforcement of the law in the hands of the commissioner of agriculture (formerly the director of the agricultural experiment station) and providing for the publication of the results of the inspection for which there was formerly no authority.

The South Carolina law was amended ['04 ch.275] so as to cover cotton seed meal, and a new penalty clause for shortage in weight provided. The sale of cotton seed meal containing less than 6.18% of nitrogen, 1.5% of phosphoric acid, and 1% of potassium oxid is forbidden, except in the case of sea island cotton seed meal, for which a minimum percentage is to be determined on by Clemson College. Cotton seed meal which does not meet the above requirements may be sold as "low grade meal."

**Commercial feeding stuffs.** Legislation providing for the control of sale of commercial feeding stuffs is steadily spreading throughout the Eastern States. Laws are now in force in all the New England States, in New York, New Jersey, Pennsylvania, Maryland,



Indiana, Tennessee and Wisconsin; and new laws were passed during the year in Louisiana and Ohio.

The Louisiana law ['04 ch.153] is an unusually detailed one and contains many provisions not generally covered by such laws. The execution of the law is in charge of the commissioner of agriculture and immigration. Vendors are required to submit samples of their goods to the commissioner for analysis, together with a statement of the general character and composition of the goods prior to entering the state, on the basis of which a certificate is to be issued. The goods must be labeled and guaranteed as to the percentage of protein and of fat, and the vendor must give notification of each shipment of goods into the state, samples of which are to be taken by the inspector for analysis. Samples are also to be taken by the inspectors of all commercial feeding stuffs sold in the state wherever found, and any purchaser may require a sample to be taken by the seller and submit the same for inspection. The sale of fraudulent feeding stuffs, among which are included goods which have not been tagged or inspected, is forbidden, and bills for such goods can not be collected in the state. A tag tax of 25 cents a ton is provided, and the results of the inspection are to be published annually by the commissioner of agriculture. Heavy penalties are imposed for failure to secure a certificate or to properly guarantee and tag the packages, and for counterfeiting tags or using them a second time. The commissioner of agriculture and immigration may attach any goods not sold in conformity with the law, to cover fines and penalties due for their illegal sale, which may be sold to satisfy judgment after being sampled and guaranteed. The proceeds from the tag tax, fines and penalties are to be used to defray the expenses of the inspection and for "making practical and scientific experiments with commercial feeding stuffs to test their virtue and value." The net proceeds are to be divided between the three experiment stations of the state "as compensation for all analyses, tests, and experiments required." The director of the stations is made the official chemist of the Louisiana Board of Agriculture and Immigration.

The Massachusetts law was amended ['04 ch.332] so as to make the appropriation of \$3000 for the feeding stuff inspection an annual appropriation.

The New York law was changed ['04 ch.558] so as to place the administration of it in the hands of the commissioner of agriculture instead of the director of the State Experiment Station as formerly, who will collect the samples for analysis to be made by the State Experiment Station. Duplicate samples are to be taken in each



case, one sample being left with the vendor of the goods sampled, and the other sent for analysis. The application of the law is broadened to include proprietary and patented stock and poultry foods, dried distillers grains, dried beet refuse, etc., but excluding brans. The license fee of \$25 is to be paid to the commissioner of agriculture and used for defraying the expenses of the inspection. The penalty clause has been repealed.

The new Ohio law ['04 p.395] is similar to the amended New York law, but requires the guaranteeing of crude fiber in addition to protein and fat. The execution of the law is in the hands of the secretary of the State Board of Agriculture, who collects the license fee of \$25 a year, issues certificates, collects samples and has analyses made of each brand of commercial feeding stuffs. Penalties are provided for selling goods below the guaranty by more than 2% of protein or of fat, or in excess by more than 2% of fiber. Bran, middlings and ground grain, which are exempt from the inspection, if adulterated are to be marked with the proportion of adulterants used, failing which penalties are provided. The State Board of Agriculture is to publish the results of the inspection annually, together with a statement of the expenses of the inspection; and any surplus is to be placed to the credit of the agricultural fund.



## HORTICULTURE: DISEASES AND PESTS'

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New horticultural laws have been enacted or existing ones strengthened in the Southern States, largely because of the great danger of the boll weevil invading the entire cotton-growing area, and horticultural statutes have been strengthened in a few of the Northern States. Alabama has enacted a general law ['03 p.146] creating a State Board of Horticulture, making the state horticulturist the executive officer and providing for the inspection and adequate treatment of nursery stock. New Jersey ['04 ch.47] has further defined the method of procedure under its horticultural law and amended it so that actions may be brought in every District Court and before every justice of the peace, and empowering court officers to serve processes or executions. The principal amendments to the Ohio law ['04 p.172] empower the State Board of Agriculture to make necessary regulations, and authorize the establishment of a division of nursery and orchard inspection. Nurserymen are required, under penalty, to apply for inspection and must file a sworn statement that their stock has been duly inspected; this does not apply to persons selling or delivering stock from nurseries holding a certificate. The chief inspector is authorized to issue a certificate of fumigation, and stock shipped into the state must bear an inspection or fumigation certificate. Rhode Island ['04 ch.1159] creates the office of state nursery inspector, provides for inspection and fumigation of all nursery stock and prohibits the entry into the state of any not so treated. Georgia ['04 p.19] has amended its horticultural law, making increased appropriations for inspection work and providing for strict quarantine against all materials likely to be infested by the cotton boll weevil. The entomologist is also required to attend horticultural and agricultural meetings and to investigate fungous diseases.

**Boll weevil.** The serious condition in the South led the president, in his message, to call attention to the matter and suggest to Congress prompt enactment of remedial legislation. The situation was so acute that Governor Heard of Louisiana called a special session to consider measures to prevent invasion by the boll weevil, and in response thereto the Legislature ['03 ch.6] created a crop pest commission, giving the same full and plenary power to deal with all crop and fruit pests and providing penalties for bringing into the state any material infested by the cotton boll weevil. Provision is made for prosecutions, for the publication of rules and of bulletins giving

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<sup>1</sup>See also Governors Messages and Index of Legislation, 1842.



information, and authority is conferred to make inspections and destroy affected crops. Alabama ['03 p.403] prohibits, under penalty, the importation of any cotton or seed from places where the boll weevil occurs. Georgia, as noted above, provides for the exclusion of this pest, and Mississippi ['04 ch.45] appropriates \$10,000 and empowers the entomologist of the Agricultural Experiment Station to prevent in every possible and practical way, the introduction of the Mexican cotton boll weevil. He is authorized to adopt rules and regulations, enforce quarantine, and he is required to make a full report to the Legislature of 1906. South Carolina ['04 ch.265] provides penalties for the importation of any material containing living boll weevils.

**Résumé.** The experience of the last five years has enabled most states to perfect their horticultural laws in a very satisfactory manner and, as a consequence, comparatively few amendments are necessary. A few have enacted general laws, largely for the purpose of facilitating the shipment of nursery stock, since most states require certificates of inspection or fumigation. There is now a tendency to accept fumigation certificates in place of the ordinary nursery inspection.

The boll weevil situation in the South has resulted in considerable legislation designed to prevent the introduction of this pest into uninfested areas, and the recent experience of the Northern States in quarantine legislation is being duplicated in the South, though the opportunity for annoying conflicts in regulations is not so great in the case of the boll weevil as in nursery inspection. The presence of the boll weevil in the South, the gipsy moth and the brown tail moth in the North, and the somewhat general dissemination of the San José scale in many of our Eastern States, makes it advisable to consider the problem of horticultural quarantine legislation in a broad way, particularly as the number of dangerously injurious pests are likely to increase rather than diminish in the next decade or two. Diverse regulations adopted by various states have inflicted unnecessarily perplexing restrictions on interstate commerce, and where a pest occurs in one or more states, as for example, the boll weevil or the gipsy moth, it is difficult to secure equable cooperation between interested commonwealths. This problem, in its varying phases, could be handled more efficiently by a central authority, and the most logical solution would be to empower the secretary of agriculture to deal with this situation in much the same way as contagious diseases of cattle, like Texas fever and foot



and mouth diseases, are treated. We do not intend to imply by the above that insect outbreaks are necessarily as serious as the above mentioned diseases of cattle, or that the same drastic measures should be adopted, but insects entail enormous losses and general economic considerations should lead to the adoption of some such method, which would give a maximum relief with minimum expense and annoyance.



## DOMESTIC ANIMALS<sup>1</sup>

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DEPARTMENT OF AGRICULTURE

In so far as the phase of the problem of domestic animals discussed in this Review is concerned the legislation passed by the various states during 1904 related only to running at large, impounding, fences, ownership, sale, and the regulation of dogs. During the year laws on these subjects were enacted in six states. Some of these laws were new legislation, while others were in the nature of amendments or restrictions to existing laws.

**Running at large.** In Alabama ['03 p.431] a law was enacted empowering the county commissioners or courts to appoint committees for holding elections to determine the establishment of stock districts through the state. According to this law the establishment or nonestablishment of stock districts is a matter of local option. In organized stock districts it is unlawful to allow stock to run at large. It, therefore, becomes necessary to establish the boundaries of these districts, particularly where they are surrounded by regions in which no law prevails regarding the running at large of stock. The law provides that stock found running at large in the stock districts may be taken possession of and sold if not claimed by the owner after legal notification. A law was also passed [Ala. '03 p.365] making it unlawful to permit horses, mules, jacks, cows, hogs, sheep or goats to run at large in any city or town in the state of 5000 inhabitants or more. The Louisiana Legislature ['04 ch.60] passed a law authorizing cities of over 2000 population to regulate the movements of stock or prohibit all kinds of animals from running at large in the corporate limits of such cities.

**Ownership.** In order to prevent stock theft and illegal sale of stolen animals, the Alabama Legislature passed two acts. One of these ['03 p.418] makes it unlawful to sell or buy cattle between the hours of sunset and sunrise. The other ['03 p.419] requires every butcher to keep a written record of all cattle killed by him showing color, earmarks, brands, and other data which may be of service in identifying the cattle and their owners.

**Dogs.** In Iowa an act was passed ['04 ch.81] more clearly defining the meaning of §2340 of the Code which provides that dogs caught injuring or attempting to injure man, sheep or other domestic animals may be lawfully killed.

In Massachusetts ['04 ch.105] the keeping of bloodhounds except solely for exhibition is prohibited. Even in such cases it is required

<sup>1</sup>See also article on Contagious Diseases of Animals.



that the dogs in question be kept securely inclosed or chained and shall not be allowed at large even in charge of the owner or keeper unless properly muzzled. In the same state ['04 ch.127] an amendment was passed to '02 ch. 226, providing penalty for allowing dogs to worry or kill lambs, fowls or other domestic animals, in addition to those which had already been mentioned in the original act. An amendment was also passed [Mass. '04 ch.142] to R. L. §155 ch. 102 authorizing county commissioners or the chairman of the selectmen of the town to investigate damages done by dogs and to take part in enforcing such laws. R. L. ch.102 §151 providing that the damage done by dogs shall be appraised under oath by three persons and providing for the methods of redress on the part of injured persons was also amended [Mass. '04 ch.283].

Ohio R. S. §2833, 4215 regarding taxes on dogs and injuries by dogs were amended ['04 p.275]. This amendment provides that the money derived from dog taxes shall constitute a special fund to be used in the payment of sheep claims and that if any money is left over after the payment of such claims it shall be paid to the recognized officers of societies for the prevention of cruelty to children and animals in all counties in which such societies exist. The method of legal procedure in making sheep claims or in claiming damages for personal injuries is also outlined.

In South Carolina ['04 ch.272] an act was passed imposing a capitation tax of 50 cents a year on all dogs in the state. The proceeds derived from this tax are to be expended for the support of schools in the counties in which the taxes are collected.

It is thus apparent that the general tendency of all these laws in the different states was toward a more thorough protection of the public against injuries or damage from domestic animals. The rights of the public to be protected against animal trespass and against actual dangers such as are incurred from dogs are recognized more and more by state Legislatures and are being forced on the attention of the reading masses. Naturally the nuisances and injuries caused by dogs are far greater than in the case of other domestic animals and therefore greater attention has been given by the Legislatures to a consideration of the regulation of dogs.



*New York State Education Department*  
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**REVIEW OF LEGISLATION 1904**

**LEGISLATION BULLETIN 259**

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Forestry	G. W. Woodruff
Game	T. S. Palmer
Fish	Barton W. Evermann and M. C. Marsh

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**FORESTRY<sup>1</sup>**

**G. W. WOODRUFF, BUREAU OF FORESTRY, UNITED STATES DEPARTMENT OF AGRICULTURE**

During 1904 Louisiana ['04 ch.113] and Massachusetts ['04 ch.409] each provided for state forest administration. These two laws furnish a good example of the different forms which state forest legislation is taking. Louisiana provided for a state forestry commission of five members and that the register of the State Land Office, who may know nothing about forestry, should be ex officio commissioner of forestry with an increase in his salary of \$500. The other members are to serve without pay, though \$100 is allowed each for expenses. Massachusetts provided for a technically trained state forester who is to devote all his energies to state forest interests; his salary to be \$2000. It is a fact worthy of note that no definitely valuable result has been obtained from the employment of ex officio officers in forest administration; and, although Louisiana's law is to be hailed as a step forward, and as an evidence of aroused interest in the care of timber lands, it is safe to predict that, till a competent forester shall have been provided, the forest interests of the state will not have the kind of care that they require. The Massachusetts forester will strive actively to enforce the forest and tree laws of the state, and will carry on an educational campaign, both as a member of the Agricultural College faculty and as a general lecturer throughout the state. He will also cooperate with private timber owners in providing such care for their forest areas as will bring the best permanent business return, and will conduct experimental tree planting upon land in the state which is practically valueless for other purposes than forest growth.

Forest fires were not so numerous nor destructive in 1904 as in 1903, a fact that is partly attributable to the forest legislation enacted during the earlier year. Louisiana's law noted above will, if properly enforced, save the state from great loss in this direction. It provides that a chief fire warden, at a salary of

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<sup>1</sup>See also Governors Messages and Index of Legislation, 1890.



\$500, shall be appointed by the forest commissioner; that the police jurors of the parishes shall be fire wardens with a compensation of \$2 a day while on active duty; that careless setting of fires shall be punished by a fine not exceeding \$100 or three months imprisonment, and malicious setting of fires by a fine of not more than \$500 or imprisonment for not more than 10 years, or both. The former penalties are also provided for persons leaving fires unextinguished in or near forest lands. Fire wardens may compel the assistance of all able-bodied citizens over 18 years, under penalty of \$100 fine or three months imprisonment for refusing to render such assistance, but the total expense, which the chief fire warden may incur for fighting fires, is limited to \$5000 a year.

New York, profiting by disastrous experience in 1903, added some valuable features to its fire law by providing ['04 ch.590] for five assistant fire wardens, at salaries of \$600 each, to patrol during the fire-dangerous seasons, the lines of railroads which traverse the forest preserve. It was also provided that such railroads must bear one half the expense of such special patrol as the chief fire warden may deem necessary to control fires started by locomotives and that the Railroad Commission must require, when the public interest demands it, that railroads adopt devices and use precautions against setting fires in the forest preserve. The definite provision for fire patrol contained in this act, is one of the greatest advances in forest fire legislation, since a patrol often prevents the starting of fires, or discovers them soon enough to avoid serious loss.

New York passed other important laws as follows: one ['04 ch.233] definitely defining the boundaries of the Catskill park; another ['04 ch.304] defining the boundaries of the Adirondack park; another ['04 ch.717] providing that \$200,000 may be expended in enlarging the Adirondack park and \$50,000 for the same purpose in the Catskill park, thus continuing the laudable efforts of the state to secure a large and valuable tract of forest for the benefit and pleasure of future generations.

The New York Legislature took the first step ['04 p.1934] toward amending art. 7 §7 of the Constitution, which provides that the forest preserve shall be maintained forever as wild forest land and that no timber whatever shall be cut within its limits. This constitutional provision had been adopted in 1894 because of a fear that lumbermen would be allowed to despoil the park as wastefully as is the custom on private timber lands. The proposed



amendment, which has passed its preliminary stage, provides that timber killed by fire may be removed by state officials and sold, if such action is necessary for reforestation. It is not considered a wise measure and there is a general wish that it may never be adopted. The national government has had an unfortunate experience with laws which permit the cutting of fire-killed trees on the forest reserves and Indian reservations, the forest being often burned wilfully in order to kill the timber for the purpose of subsequently acquiring it. Article 7 of the state constitution should be amended, but not in the way proposed. The cutting of dead timber, and of mature trees should be allowed, but the work should be so rigidly controlled and restricted that the forest will be maintained as a source of timber supply, and the value of the preserve in no wise lessened as a water conserver and a health and pleasure resort for all the people.

Only two other laws were passed since the sessions of 1903: Alabama ['03 p.390] providing a penalty of \$10 a tree for boxing, girdling or otherwise destroying trees belonging to another; Louisiana ['04 ch.188] declaring that timber shall be considered an immovable and be subject to the law for immovables, even when it is separated in ownership from the land on which it stands.

In their messages, President Roosevelt and the governors of Florida, Massachusetts, New York, Ohio and South Carolina all urged that attention be given to the need for more effective forest protection. In most cases the Legislatures took active steps toward carrying out these suggestions. Since the close of the 1904 sessions, the governors, or prominent legislators, of more than 20 states and territories have asked the Bureau of Forestry of the United States Department of Agriculture for advice and assistance in drafting proper forest laws to be introduced in 1905.

The apparent lull in legislative activity during 1904 was not due to a decreased interest in forestry, but to the fact that only a small number of states held legislative sessions. A widespread interest in this subject is manifested throughout the country, and there is every indication that 1905 will bring an unprecedented amount of forest lawmaking, and that laws of unusual value will be enacted.



## GAME<sup>1</sup>

T. S. PALMER, BIOLOGICAL SURVEY, UNITED STATES DEPARTMENT  
OF AGRICULTURE

The record of game legislation of 1904 is meager beside that of 1903 but more satisfactory in comparison with that of 1902 with which it is more nearly comparable. Twelve of the 17 states which held legislative sessions made some amendments or additions to their game laws and the only sessions at which no changes were made were those of Alabama, Georgia and South Carolina and the short extra sessions of Montana and West Virginia. If in addition to the general statutes the 17 local acts of Maryland and the changes affecting certain counties in New York are taken into consideration the total number of game laws passed during the year will be increased to 70 or more. In addition to these acts reference should be made to the regulations of the secretary of agriculture affecting Alaska, to the decisions of the Supreme Courts of Arkansas and Nebraska declaring certain features of existing laws unconstitutional, and to the governors messages containing recommendations in regard to new legislation.

### Governors messages

The Governor of Louisiana recommended a law prohibiting absolutely the capture or destruction of song birds of the state, and such changes in the laws affecting game as were needed to give more adequate protection. Both of these recommendations were favorably acted upon and the bills protecting game and nongame birds mark a long step in advance in the history of game legislation of the state.

The governor of Maryland called special attention to the multiplicity of local laws and the resulting confusion, which seriously interfere with enforcement and render observance difficult even on the part of those who desire to obey them. But in spite of the generally recognized inefficiency of the county system and the governor's recommendations for more uniformity, efforts in this direction failed utterly except in the case of the game warden bill. Seventeen new local laws were enacted and while several

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<sup>1</sup>This record exceeds somewhat the scope of the Comparative Summary and Index, as it extends to the close of the calendar year 1904, thus including the acts passed by Vermont and a decision of the Supreme Court of Arkansas rendered in October, and contains references to local laws and departmental regulations affecting game. *See also Governors Messages and Index of Legislation, marginal no. 1900*



of these were important or corrected defects in old laws, others made but slight changes and simply added to the existing confusion. This failure to bring about greater uniformity is somewhat surprising in view of the success which attended similar efforts in this direction in Tennessee and Virginia in 1903, and the fact that the movement in Maryland was directed by the Fish and Game Protective Association whose influence extends to all parts of the state.

### Legislation

**General.** General game laws were enacted by Louisiana ['04 ch.126] and Ohio ['04 p.463] and a codification of the Maine game laws in the Revised Statutes adopted at a special session of the Legislature in September 1903 took effect on Jan. 1, 1904. Enforcement was made more effective in several states by the adoption of search laws in Massachusetts ['04 ch.367] and Ohio, and by providing new or more efficient warden service in Kentucky, Maryland, New York, Ohio, and Vermont. In Kentucky ['04 ch.68] county fish and game wardens were authorized for the first time, the appointments being made by county judges. In Maryland the warden service was reorganized by legislating all deputies out of office, reappointing new officers, and increasing the state warden's salary from \$500 to \$1200 ['04 ch.346]. In New York the salaries of game protectors were increased from \$500 to \$600 and that of the chief game protector to \$2000 or to \$2500 per annum after five years service ['04 ch.710]. In Vermont the commission of two members which was established in 1892 was replaced by a single fish and game commissioner ['04 ch.118]. In codifying the Maine game law the provision authorizing search was omitted and as a result the enforcement of the law was seriously impaired. It was said that more game found its way to Boston markets from Maine during last season than for several years past, as the deputies were unable to find illegal shipments before they had been smuggled out of the state. In Montana the general game law of 1903 having been declared unconstitutional by the Supreme Court of the state on account of a defect in the title [State v. Brown, 74 P. 366], the act of 1897 with its amendments, which was much less comprehensive in several respects, was revived and became effective again in 1904. In Nebraska the Supreme Court declared the provision in the law of 1903 authorizing confiscation of guns used by unlicensed hunters unconstitutional on the ground that it amounted to a confiscation of property without due process of law [McConnell v. McKillip, 99 N. W. 505].



**Big game.** Under the regulations approved by the secretary of agriculture on June 4, three game districts were established in Alaska, the open season for bears was lengthened, minor changes were made in the open seasons for other big game, and the area in which walrus have complete protection in Bering Sea was reduced [Circular no. 42, Biological Survey]. In Louisiana an innovation was adopted by allowing the police juries of the several parishes to fix the deer seasons within certain limits ['04 ch.126]. New Jersey allowed owners of established preserves to shoot deer at any time on such preserves and permitted possession of imported deer lawfully killed in other states ['04 ch.233]. Rhode Island extended the close season on deer from February 1905 to Jan. 1, 1908 ['04 ch.1165]. Vermont adopted two statutes fixing the open season for deer, one limiting it to the last 10 days of October, and the other and later one restricting it to the last week of six consecutive working days in the same month ['04 ch.127]. The method of limiting seasons by days of the week is rather novel but is likely to lead to more uncertainty than under the ordinary system; thus the open season for deer in Vermont in 1904 was Oct. 22 to 27, but in 1908, should the law remain unchanged, it will be Oct. 26 to 31. Elk received further protection in Oregon at the special session held in Dec. 1903 which extended the close season from 1904 to 1907 ['03 p.30].

**Game birds.** One of the notable steps in advance during the year was the increased protection accorded shore birds. Both Louisiana and Ohio added them to their lists of protected game, New York prohibited spring shooting ['04 ch.588] and Massachusetts materially shortened their sale season ['04 ch.369]. Iowa placed snipe on the game list and New Jersey extended protection to upland plover. Louisiana added geese, brant and swans to the game list, gave absolute protection to the woodcock and a close term of five years till July 1909, to prairie chickens and wood ducks ['04 ch.126]. Rhode Island made a close season on quail, grouse and woodcock for one year till Oct. 15, 1905 ['04 ch.1144]. New York and Ohio extended the close season for pheasants<sup>1</sup> and

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<sup>1</sup>The unsuccessful attempt in Oregon to extend the close season on pheasants in certain counties till 1906 illustrates one of the curious accidents to which game laws seem to be peculiarly liable. In the House 31 votes were necessary for passage of the bill and the Journal showed the record of the vote to be, yeas 30, nays 21, absent 8, with the entry "so the bill passed." "Upon revision of the Journal it was discovered that there had been but 30 votes in the affirmative so the bill failed to pass." The bill passed the Senate on the same day that it passed the House, evidently before the latter entry in the Journal was made, and was printed with the other acts of the session, but on account of the record in the House it is void.



Virginia established a five year close season for them ['04 ch.255]. Iowa limited the number of wild turkeys and waterfowl which a hunter could kill in a day to 25 ['04 ch.95]. Louisiana placed bag limits on all game and Ohio prohibited the shooting of quail and doves except on the wing. The change in the law of Montana furnishes a striking illustration of the advantages of stopping spring shooting. Under the law of 1903 spring shooting of waterfowl was prohibited and the state warden reports that ducks bred in great numbers on all the ponds and suitable bodies of water in the state. The decision of the Supreme Court brought into effect the long open season of the previous law which allowed the ducks to be shot until May 1. In consequence of being continually hunted during the spring only a small number of birds remained to breed, and on ponds where the year before hundreds were found, comparatively few could be seen in the summer of 1904.

**Nongame birds.** After two unsuccessful attempts in Louisiana, in 1902 and at the special session in 1903, the Audubon Society finally secured the passage of the "model law" advocated by the American Ornithologists Union and the bill went into effect in August 1904 ['04 ch.48]. The model law was also passed in Mississippi ['04 ch.98] so that at the close of the year practically the same law was in force in 28 states, Alaska, and the District of Columbia, including every coastwise state in the Union, except South Carolina, Alabama, and California. Efforts to secure uniformity in this phase of bird protection have met with phenomenal success and have been most gratifying.

**Licenses.** Several changes were made in licenses, chiefly in the direction of extending the system or making the requirements more equitable and uniform. Vermont adopted a \$15 nonresident license for hunting deer ['04 ch.128] and Louisiana removed the prohibition of nonresidents hunting in the state by substituting a \$10 nonresident license and a \$25 market hunting license. The nonresident license allows the holder to carry out of the state a limited amount of game, and as in Pennsylvania, is required in the case of unnaturalized foreign born residents who wish to hunt. Arkansas was opened up to nonresidents to a certain extent by a decision of the Supreme Court declaring the law of 1903, which prohibited nonresidents from hunting in the state, unconstitutional in so far as it prevented them from hunting on their own land [State v. Mallory, 83 S. W. 955]. Kentucky abolished its \$25 license and, following the example of Tennessee, adopted the plan of charging each nonresident the fee demanded of nonresidents



in his own state ['04 ch.48]. This system has been tried in Minnesota and New York but has proved a failure in both cases. Ohio reduced its \$25 license fee to \$15 thus leaving Indiana the only state which charges nonresidents \$25 for hunting small game. Maryland passed five local license laws, among which may be mentioned the \$10 nonresident license for hunting on the Patuxent river ['04 ch.509] and the \$1 resident license (the first in the state) for hunting in Somerset county ['04 ch.198]. At the close of the year 32 states and territories<sup>1</sup> had adopted the nonresident license system and 13 states and territories had extended the system to residents.

**Restrictions on trade in game.** Two important laws were passed affecting trade in game. Massachusetts prohibited possession of shore birds in close season except for storage purposes ['04 ch.369]. She thus practically cut off the spring trade and prevented the destruction of large numbers of these birds on the coasts of New Jersey and North Carolina where formerly they were killed for the Boston market. Kentucky prohibited sale or transportation of wild turkeys, pheasants or grouse, and partridges or quail at all seasons ['04 ch.107]. Mississippi is now the only state in the Union which does not prohibit the export of game, but under the model law referred to above she prohibits both sale and export of nongame birds.

**Miscellaneous.** The importance of making the game laws better known increases from year to year with the multitude of changes constantly made. It should be incumbent on some officer in every state to collect the laws each year and publish them promptly so that the amendments may become generally known before the opening of the hunting season. In line with such a policy may be mentioned the provisions made by Oregon ['03 p.37] for printing 1500 copies, and by New York ['04 ch.589] for publishing 18,000 copies of their game laws. During the past two years nearly 200,000 copies of the game laws have been distributed by the game commissioner of Illinois.

In the development of her system of state parks New York made a decided advance by creating the Catskill park and defining its boundaries ['04 ch.233], by making provisions for stocking the Adirondacks with elk ['04 ch.587] and by making an appropriation of \$500 for restocking the same region with beaver ['04 ch.674]. She also provided a close season for black bears, except in Essex county, from July 1 to September 30 ['04 ch.630].

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<sup>1</sup>Including Vermont and Hawaii, but not counting Oregon and Georgia in which licenses must be secured to hunt for market.



A review of the year's legislation would be incomplete without some reference to several retrograde tendencies, among the most important of which were the defeat in Maryland of all general game bills except the game warden bill, the passage in New Jersey of a bill permitting spring shooting of Wilson snipe and extending the seasons for other shore birds and waterfowl, and the passage of a somewhat similar measure in Virginia removing all protection from Wilson snipe. In Louisiana rabbits and hares were omitted from the game list. In Ohio protection was removed from prairie chickens and turkeys, an open season established for doves (previously protected throughout the year), and spring shooting of waterfowl reestablished. Strenuous but futile efforts were made in New York to repeal the act of 1901 prohibiting spring shooting of waterfowl, in New Jersey to modify the absolute protection of robins, and in Virginia to remove protection from waterfowl.



## FISH<sup>1</sup>

DR BARTON W. EVERMANN AND M. C. MARSH, UNITED STATES  
BUREAU OF FISHERIES

The legislation for 1904 covering fish and fisheries proceeded from 12 states and was embodied in some 34 acts or amendments. Fewer than half the states which legislated on these subjects in 1903, participated during 1904 and the number of laws passed was correspondingly diminished. The tendency was markedly in the same general direction as heretofore; to conserve the large commercial fishing industries in two ways, by increasing the product and by limiting the opportunities of capture. A feature of importance to make effective the laws fixing license fees and levying taxes on the products of the fisheries, is the requirement of minute records open to inspection, by the dealers and canners, of their purchases of the catch of fishermen, in such a way as to prevent evasion of the law. The tendency is strongly toward supervision and a steady development in this direction may be looked for.

### Governors messages

The president of the United States refers to the expected report of the special commission on the Alaskan salmon fisheries. The governor of Maryland calls attention to wasteful destruction of fish too small for market in upper Chesapeake bay, and recommends a disposition of pounds and fykes to allow fish to reach their spawning grounds. The governor of South Carolina advises legislation to protect and develop the oyster industry, and the establishment of a system of license fees in order to make the industry yield a revenue to the state, citing the large incomes derived by Maryland and Virginia from this source alone. He further advises the prohibition of the exportation of oysters for canning purposes. In Louisiana the governor devoted a special message to the regulation of the oyster industry.

### Legislation

In New York an important law [’04 ch.591] conferred upon the forest, fish and game commissioner the power of entering upon and taking possession of any land and water he deems necessary for the purposes of artificial propagation of food and game fishes for restocking the public waters of the state. Provision is made for the adjustment of the claims of the owner.

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<sup>1</sup>See also Governors Messages and Index of Legislation, marginal no. 1900.



In South Carolina ['04 ch.201] the transporting of shad beyond the limits of the state was made a misdemeanor, with heavy penalties, and common carriers were made liable.

In Massachusetts ['04 ch.365] the commissioners on fisheries and game are given additional powers relative to fishways, and may determine where, when and how new fishways should be built. The lobster legislation passed by Maine in 1903, permitting the commissioners to purchase egg lobsters at 25% above the market price, liberate them, or use them for propagation, was adopted by this state.

**Oyster and shellfish industry.** Louisiana ['04 ch.52] revised the whole subject of oyster legislation in one comprehensive act following a special message from the governor. The purpose is broadly stated "to encourage, protect, regulate and develop the oyster industry, and to increase the revenues of the state therefrom." State ownership of the gulf beds within the state is expressly declared, alienation in fee simple is prohibited, and ownership likewise of all oysters growing naturally on these beds is declared; rights of riparian owners are limited to low watermark. An oyster commission, of five persons not financially interested in the oyster business is created and endowed with unusual powers and importance, being expressly constituted a "department of the state government," a political corporation with power to sue and be sued. This commission has charge, with the widest powers, of all matters relating to the oyster industry and to the enforcement of the act.

It is provided with armed patrol vessels for the capture of violators of the statute, and captains and crew of all vessels engaged in oystering as well as the oyster commissioners and all their employees, are constituted peace officers with authority to arrest without warrant anyone violating either the statute or the regulations made by the commission. An attorney, chief inspector and chief surveyor are permanently attached to the commission, with ample provision for additional service.

No shipments of oysters for canning purposes beyond the limits of the state are allowed, and to encourage planting of shells on barren bottoms a permit is necessary to ship oysters in the shell out of the state. Packers, canners, corporations, firms and dealers engaged in the oyster business are required to keep detailed records of their catches and purchases, for the information of the commission. A tax of 3 cents a barrel on all oysters gathered for sale or consumption is imposed and license fees are fixed for the canning



business. A close season, May 1 to Sep. 1, not applying to private leased grounds, is created, and a size limit fixed at 2½ inches. The use of the dredge in water less than 15 feet deep is prohibited. Fine or imprisonment penalties are provided for all violations.

In South Carolina ['04 ch.251] it was made unlawful to ship oysters or clams in the shell out of the state, unless from private grounds.

In Massachusetts ['04 ch.282] cities and towns are authorized to appropriate money for the cultivation, propagation and protection of shellfish, and may declare a close season for not more than three years. Penalties are provided and district courts and trial justices are given concurrent jurisdiction with the superior court of offenses under this act.

**Close seasons and restrictions on methods.** New Jersey, New York, Iowa and Georgia lengthened the close season for certain fishes, chiefly game species, and Louisiana created a general close season during December, January and February, excepting a few species. Various restrictions, chiefly of a minor character, were placed upon the means of capture, the most important being the prohibition by New Jersey ['04 ch.184] of boats propelled by machinery from oystering on the natural beds. In Georgia ['04 p.103] an amendment added firearms to the act forbidding the use of dynamite or other explosives for the purpose of killing fish.



*New York State Education Department*

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**REVIEW OF LEGISLATION 1904**

**LEGISLATION BULLETIN 259**

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Labor (general)      Adna F. Weber  
Factory Regulations      Horace G. Wadlin

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## **LABOR (GENERAL)**

**ADNA F. WEBER PH.D. CHIEF STATISTICIAN N. Y. DEPARTMENT OF LABOR**

Only 14 state Legislatures met in regular session in 1904 and on this account the body of new statutes affecting the interests of wage workers was small. The important industrial commonwealths of New York, Massachusetts and Ohio enacted several significant measures, however, and Montana at the general election in November adopted constitutional amendments providing for an eight hour day not only in public work but also in mines and smelters owned by individuals. New York, the principal seat of the clothing industry with its vast amount of home work, revised its laws regulating tenement manufactures so as to shift the main responsibility for sanitary conditions from the occupiers of the apartment to the owner of the tenement house. New York also enacted advanced legislation for the supervision and control of private employment agencies. Ohio enacted a somewhat similar law and also made an important modification of the employers liability law. Massachusetts once more undertook pioneer work by appropriating \$1000 to its Board of Health for an investigation of dangerous occupations, which thus far have received little attention in the United States as compared with European countries. The Southern States with their new manufacturing interests are passing through the early stages of antagonism to all labor organizations, manifested for example in the Alabama statute to prohibit boycotting, blacklisting etc. Similar enactments in the Northern States have been set aside by the courts as infringing the constitutional guaranty of freedom of speech. This has likewise been the fate of numerous statutes enacted for the protection of labor unionists by forbidding employers to discharge them on account of their membership in unions; in the past year the Kansas statute was thus annulled by the state courts. In Illinois and Missouri the courts declared unconstitutional the statutes requiring employers to pay wages in cash.



**Hours.** The part of the labor contract that is most frequently regulated by statute is the duration of labor. Of such legislation there was very little in 1904. In Massachusetts, where there were numerous measures introduced for restricting the hours of work, only one passed the Legislature and received the governor's signature ['04 ch.397]. This act merely abolished an exceptional provision of the law which permitted mercantile establishments to employ women and children more than 58 hours a week in the month of December. Louisiana enacted a law requiring proprietors of retail establishments in cities of at least 50,000 population to allow women employees one hour for their midday meal or recreation ['04 ch.195]. In Montana the electorate in November adopted the constitutional amendment which provides for an eight hour day for public work and also in mines and smelters.

**Child labor.** The campaign against child labor made little progress in the legislative sessions of 1904. Only a few of the legislative bodies of the Southern States met in that year and none of these took action on the subject, although the governor of Louisiana recommended such action.<sup>1</sup> In the North the only important statute was that enacted in Vermont near the end of the year,<sup>2</sup> prohibiting the employment of children under the age of 15 years during the sessions of the public school and fixing 12 years as the age limit in other cases. In addition Vermont established a maximum eight hour day for children under 16 years and forbade night work (between 7 p. m. and 7 a. m.). New Jersey on the other hand, repealed its prohibition of night work of minors under 18 years, although that prohibition had never applied to glass factories. Ohio amended its child labor law to include messenger boys and drivers and extended the requirements as to filing certificates of age and schooling ['04 p.321]. Massachusetts revised the section of the law governing the issuance of employment certificates so as to permit the school authorities to accept other evidence of a child's age when "neither the last school census, nor the certificate of birth or baptism, nor the register of birth, is available for the purpose" ['04 ch.432]; and as noted in a preceding paragraph abolished the exception to the 58 hour law which permitted children to be employed long hours in mercantile establishments during the Christmas shopping season ['04 ch.397]. Montana at the election in November adopted the constitutional amendment prohibiting the employment of children under 16 in underground mines.

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<sup>1</sup>The Alabama statute mentioned in the Index of Legislation, 2118a, was enacted in 1903.

<sup>2</sup>Not included in the Index of Legislation of the present year.



**Payment of wages.** Withholding or delaying the payment of earnings of wage workers, on the part of the employer, can obviously become an act of real oppression and cause genuine distress in the families of workingmen of small means, who are thus thrown upon the mercies of their tradesmen. The case is as bad or even worse when earnings are paid not in cash or in orders payable in money, but in "store orders," thereby compelling employees to purchase their supplies from a particular store, which is usually owned by the employer issuing the orders. To prevent such injustice most of the states have laws requiring the payment of wages in cash and within a reasonable period after they have been earned. Such statutes have to be carefully framed to meet the objections of the courts, which are sometimes unable to recognize the need of such exercise of the police power, notwithstanding their readiness to sustain usury laws that similarly restrict the freedom of contract of borrower and lender. Within the past year the Illinois law forbidding mining and manufacturing corporations to keep general supply stores and the Missouri law requiring wages to be paid in lawful money have been declared unconstitutional by the courts of those states. The decision on the former statute [69 N.E.927] rested chiefly, perhaps, upon its restricted application; but in Missouri, where a similar statute had already been set aside on the ground of being class legislation, the present law was one of general application. The Supreme Court of that state, however, [80 S.W.933] brushed aside the reasoning used by the United States Supreme Court when it upheld the Utah eight hour law—the unequal footing of employer and employee—and even denied the authority of the United States Supreme Court decision [Knoxville Iron Co. *v.* Harbison, 183 U.S.13] which held a Tennessee law requiring the redemption in cash of store orders or other evidences of indebtedness issued by employers in payment of wages due to employees not to be in conflict with any provision of the Constitution of the United States.

Maryland amended its monthly payment law to require semi-monthly payments of wages by mining, manufacturing and transportation corporations ['04 ch.93], while South Carolina made wage orders redeemable in the hands of any holder, whether an employee or not ['04 ch.254]. South Carolina and Alabama made various amendments to their codes governing violation of the labor contract [Index of Legislation 2113].

**Employment offices.** Intelligence officers or employment bureaus have long been subjected to public control, which was originally exercised by the local government and has now in most cases



passed to the state. Persons out of work are obviously in the power of the employment agency and this power, if unregulated, leads to serious evils—extorting fees for fictitious positions, etc.—that have been described in the reports of several bureaus of labor.<sup>1</sup> A woman seeking employment is even more helpless than a man and in New York city and elsewhere the operations of certain intelligence offices were so closely allied with procurers that philanthropic organizations instituted investigations which developed some startling revelations and resulted in a sweeping revision of the law in New York ['04 ch.432]. The statutes formerly applied to New York city and Brooklyn alone, but the new act applies to all cities of the first and second classes (New York, Buffalo, Rochester, Syracuse, Albany and Troy).<sup>2</sup> In New York and Buffalo the law provides for a commissioner of license, while in the other cities it intrusts its enforcement to the mayor or any person receiving his authorization. The following analysis of this law by the present author has already appeared in the Bulletin of the New York Department of Labor.

The act defines an employment agency as the business of procuring work or employment for persons seeking employment, where a fee is charged, the sole exception being teachers' agencies. No person is to engage in the business without procuring a license and paying an annual fee of \$25—an increase of \$12.50 in New York city—and furnishing a bond for \$1000, with approved sureties. The bond requirement is designed to put an end to the most flagrant abuse connected with the name of employment agencies, the practice of opening an office duly licensed, advertising for workmen to take fictitious "jobs," collecting fees from hundreds to whom positions are promised and then decamping with the proceeds.

No agency may be located in a saloon. The prohibition is designed to stop a common practice of saloon keepers of displaying signs and advertising for laborers in large numbers, in order to keep men hanging about the saloon for their patronage. It will be remembered that the grain shovelers strike in Buffalo five years ago was largely due to a revolt of the men against the system whereby the saloon keepers, who acted as employment agents, favored those workmen who spent the most for drink. Keepers of lodging houses are permitted to maintain employment offices but only separate from the lodging apartments, and they must be specially designated in the license. No employment office may be located in rooms used for living purposes, in lodging houses or elsewhere.

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<sup>1</sup>See specially the comprehensive treatment by F. A. Kellor in *Out of Work*.

<sup>2</sup>Utica, Schenectady and Yonkers have attained the 50,000 mark since the latest state census and will enter the second class, after appropriate legislation on the basis of the enumeration of 1905.



The very worst evil of the private agency system is aimed at in the provision of section 7, that no licensed person shall send or cause to be sent any female help as servants or inmates to any questionable place or to any house or place of amusement kept for immoral purposes, the character of which such licensee could have ascertained upon reasonable inquiry. Employers, on the other hand, will be protected by the requirement that agencies must investigate at least one of the references furnished by applicants for work in a private family or employment in a fiduciary capacity.

The law prescribes as the maximum fees that employment agencies may collect from applicants for employment 10% of the first month's wages, in the case of servants, laborers and unskilled workers generally, and 5 % of the year's salary or 100% of the first week's wages in all other cases. If no situation is secured for an applicant he may demand the return of the entire fee with the exception of 50 cents, which the agency may retain, if it in good faith endeavored to find employment for the applicant. "Rake-offs" are to be stopped by a clause forbidding agents to divide fees with contractors or other employers.

Receipts for fees must, as heretofore, contain the section of the law pertaining to fees, and additional protection to workers is assured in the requirement that in sending an applicant to employers the agent must give him the employer's name and address, written on a card, containing the name and address of the agency. When a workman is sent outside the city, the agent must file with the mayor and also furnish to the applicant a copy of the contract, in a language which he understands, stating the name and address of employer and of employee, nature of the work to be performed, hours of labor, wages offered, terms of transportation, etc.

Ohio also enacted a law in 1904 providing for strict public control over employment agencies. Unlike the New York statute it applies to all villages and cities, the license fee in the former being \$10 to \$25 and in the latter \$50 to \$100 per annum; the bond in every case, \$500. A state officer, the commissioner of labor statistics, enforces the act. The registration fee is limited to \$2 to be repaid to applicant on failure to obtain a position. Charitable organizations are not included in the law ['04 p.485].

Ohio also extended its system of free employment bureaus ['04 p.101]; while Alabama at the autumn session of 1903 enacted a law requiring all emigrant agents in the state to take out a license from the state auditor (annual fee of \$500 in each county in which he solicits persons to accept employment outside the state).

In California, the Supreme Court declared unconstitutional that part of the act of 1903 which limits the charges of an employment agent. The court argues at length to prove that such an interference with freedom of contract in the interest of a helpless class is



not analogous with acts limiting the rate of interest. One of the judges, however, in a dissenting opinion thinks "it is a mistake to say that our heritage from the common law consists solely of the specific right to pass such laws. Our heritage is rather the sound principle that in the performance of its duty to promote the general welfare, the Legislature may pass such laws as may reasonably be found necessary to protect the helpless and weak from the exactions of the strong" [ex parte Dickey, 77 P.924].

**Employers liability.** The only statute of 1904 on the subject of employers liability was one approved by the governor of Ohio May 3, 1904, which does away with the common law rule that the employer is not liable for negligence when the employee "assumes the risk" by continuing at work with knowledge of such neglect on the part of the employer to safeguard machinery or appliances. The act also limits the damages that may be recovered for fatal injuries to \$5000 and for other injuries to \$3000. In New York, it may be noted, such limitation of the amount of damages recoverable is forbidden by the Constitution.

**Public work.** In Massachusetts the statute of 1896 requiring preference in public work to be given to citizens of the United States was amended so as to give preference to citizens of Massachusetts above those of the other commonwealths ['04 ch.311]. But in Illinois the act of 1889 forbidding the employment of aliens on public work was held unconstitutional in accordance with the trend of authority [City of Chicago v. Hulburt, 68 N.E. 786 (1903)].

**Labor disputes, arbitration, etc.** The relations of employers and employees are still so unstable that legislative interference plays an important role, notwithstanding the fact that judge-made law continues on the whole to be the more decisive influence. The problem is working itself out in the voluntary organization of the two classes, under the strict watch of the courts. Impatience with the conservatism of the bench in failing to recognize the necessity of such combination on the part of wage earners has doubtless led many Legislatures to frame statutes guaranteeing the right of association. Very many of the states, for example, have sought to protect the members of a labor union in their employment by making it a crime for an employer to "victimize" them, that is to discharge them for participation in the affairs of a union. Such statutes, however, are frequently declared unconstitutional, the latest instance being the Kansas act of 1897, which the Supreme Court of that state last year held to be void as an unconstitutional restriction upon the freedom of contract [Perry v. Coffeville Vitriified Brick and Tile Co., 76 P.848]. The



**New** York law on this subject, enacted in 1887, has not been construed by the courts. The latest New York enactment of this kind, however, is chapter 659 of the laws of 1904, which makes it a criminal offense to bribe a representative of a labor union. The statute has special reference to the action of a union officer in bringing about or calling off a strike, and was passed upon the recommendation of District Attorney Jerome who had convicted certain labor leaders in New York city of the crime of extortion, but was unable to find a law under which he could proceed against employers who had paid union officers to call strikes on the jobs of rival employers.

Another New York enactment for the protection of workingmen's organizations was chapter 523 amending the union label law so as to make the imitation or unauthorized use of a label a criminal offense. A similar law was enacted in Massachusetts ['04 ch.335].

Alabama has attempted to enact a conspiracy law to prevent picketing, boycotting and blacklisting ['03 p.281]. Its constitutionality is generally questioned by lawyers. Last year, in fact, an antiblacklisting law was held unconstitutional in Indiana [Wabash Railway Co. v. Young, 69 N.E.1003].

Maryland in 1904 enacted a thoroughgoing arbitration law, which requires the chief of the Bureau of Industrial Statistics to offer his mediation in every industrial dispute involving 10 or more employees. In the event of his failure to adjust the dispute by conciliation or arbitration, he is required to investigate the cause of the controversy and publish his conclusions in the daily press. For the purpose of such "compulsory investigation," as this plan of arbitration has been termed, he is endowed with ample power to summon witnesses, administer oaths, etc. ['04 ch.671]. In Missouri, however, the section of the arbitration law authorizing the board to apply to the Circuit Court for the punishment of witnesses for contempt was held to be unconstitutional on the ground that judicial power could not be vested in the board [State v. Ryan, 81 S.W. 435].

Massachusetts amended its arbitration law to require the board to investigate industrial controversies on the request of the governor ['04 ch.313]. It also advanced the salaries of members of the board from \$2000 to \$2500 ['04 ch.399].



## FACTORY REGULATIONS

HORACE G. WADLIN, LIBRARIAN BOSTON PUBLIC LIBRARY (FORMERLY  
CHIEF MASSACHUSETTS BUREAU OF STATISTICS OF LABOR)

### Governors messages

References in executive messages to the subject of factory and workshop regulations during 1904 include the following: Governor Heard of Louisiana commended as worthy of consideration a suggestion of the commissioner of labor that his department be given the power of inspection of factories, mills and workshops. In New Jersey, Governor Murphy suggested strengthening the Department of Factory Inspection and an increase in the number of inspectors. Governor Smith of Maryland called attention to a need of legislation to make more clear and effective the so called sweat shop law. He also favored the publication of a greater number of the statistician's reports.

### Legislation

**Inspection. General factory regulations.** In Massachusetts ['04 ch.382] the annual compensation of the two female members of the inspection department was increased from \$1000 to \$1250. A special investigation was authorized in this state by a legislative resolve ['04 ch.99] which directed the State Board of Health, in cooperation so far as required with the chief of the district police (state factory inspector) and the Bureau of Statistics of Labor, to investigate the sanitary condition of places of employment, with respect to all conditions which endanger life or limb, or are prejudicial to health of the employees. An appropriation of \$1000 was made for this purpose, and a report, with recommendations if any are found advisable, was directed to be made on or before Jan. 15, 1905. In Massachusetts also ['04 ch.430], two additional members were authorized for the inspection department of the district police force, to be appointed by the governor. In New Jersey a general factory law was enacted ['04 ch.64] regulating the age, conditions and safety of employment in manufactories and workshops; and sundry statutes heretofore existing on the same subjects were repealed. Under the present law the minimum age for the employment of children in factories is fixed at 14; certificates of age are required and their tenor fixed; certificates of health may also be required in certain cases; employers must, if employees are under 16 years of age, keep registers of names, and other information as to persons working under the provisions of the act, which registers are to be open to the inspection of the proper



officers; minors under 16 may not work in places covered by the act more than 10 hours a day or 55 a week. Hatchways are to be guarded, workmen are to be protected against machinery and dangerous conditions of employment in factories and workshops; entrance doors are to be kept unlocked and made to open outwardly, and halls are to be properly lighted. Danger from dust in certain employments is to be prevented by the provision of blowers; adequate ventilation is to be maintained; minors under 16 are not to be permitted to clean machinery in motion; the storage of explosives, where necessary, is safeguarded; proper sanitary conveniences are to be provided, also adequate fire escapes. The tenement manufacture of clothing (sweat shop law) is codified and made part of the new statute. The Department of Labor is the inspection department also. The entire statute while not involving much, if any, new legislation brings together in clear and logical form the whole body of New Jersey law on the subject.

In Ohio ['04 p.530] 13 district inspectors of factories are now authorized instead of three, and the salaries of inspectors are raised from \$1000 to \$1200. Provision is made for redistricting the state to accord with the enlargement of the force.

**Comfort of employees.** Under this head there are but two instances found in the Legislation of the year. In Maryland ['04 ch. 287] the existing law requiring seats for saleswomen in mercantile establishments was repealed and a new statute on the same subject enacted. Under it women are not to be forbidden to make use of seats, and local health officers are given power of inspection, with authority to prosecute violations of the statute.

In Rhode Island ['04 ch.1142] suitable toilet rooms containing water-closets, washing facilities, and rooms for changing clothing must be provided in all foundries in which 10 or more men are employed; and these rooms must be in the foundry building, protected from the weather, heated and ventilated.

**Safety of employees.** In Massachusetts a new law ['04 ch.347] requires looms in factories to be equipped with guards to prevent injury to employees from flying shuttles. The appliances must be made and placed to conform to the requirements of the factory inspectors.

In New York ['04 ch.291] owners or lessees of factories in cities of 250,000 population must maintain lights in hallways for the protection of employees operating machinery, whenever deemed necessary by the commissioner of labor. The new statute is in amendment of the labor law of 1897.



**Mines.** There were but two minor points touched in protective mining legislation of the year. In Iowa ['04 ch.86] a provision which required one of the board of examiners of mine inspectors to hold a certificate of competency as a hoisting engineer was stricken out; and in Ohio a new law was enacted ['04 p.63] requiring operators or superintendents of mines, whenever more than 10 miners are employed, to keep at the mouth of the mine a stretcher for use in case of accident, equipped with woolen and waterproof blankets; and whenever more than 400 persons are employed two stretchers with equipment are to be provided. In mines generating fire damp, linseed or olive oil, bandages, and linen are to be kept in store for use in emergency, and bandages are to be kept in all mines.

**Railways.** In Louisiana a new statute ['04 ch.81] requires screens or vestibules on the front platforms of street cars, and it is made unlawful to operate such cars from Nov. 15 to Mar. 15 unless such screens or vestibules are provided. In South Carolina a similar law requiring vestibules during the months of December, January, February and March, from which Charleston county was exempted, has now, by an amendment ['04 ch.236], been made of universal application.

In Ohio ['04 ch.274] legislation for the protection of railway employees has been extended by providing that mail cranes or livestock chutes along the line of the tracks shall not approach nearer than 18 inches to the nearest point of contact with the cab of the widest locomotive now or hereafter to be operated.

**Sweat shops.** In New York an important amendment to the law relating to tenement-made articles ['04 ch.550] requires tenement houses, instead of rooms or apartments in the same, to be licensed for the manufacture of certain articles, and the term tenement house is defined to mean any house or building or portion thereof occupied by three families or more, living independently of each other, doing their cooking on the premises, and using the halls, yards etc., in common, and is, for the purposes of the act, also construed to include any building on the same lot with any dwelling house and used for the industrial purposes covered by the act. The list of articles covered by the sweat shop law is extended to include aprons, pocketbooks, slippers, paper boxes and paper bags; licenses for manufacturing in tenement houses are to be issued only on the report of the health inspectors that the premises are sanitary and not infected by disease; and semiannual inspection is provided for. In general the law is made much more definite than formerly and is strengthened in many points.



*New York State Education Department*  
**New York State Library**

**REVIEW OF LEGISLATION 1904**

**LEGISLATION BULLETIN 251**

**CHARITIES<sup>1</sup>**

**ROBERT W. HEBBERD, SECRETARY NEW YORK STATE BOARD OF CHARITIES**

The volume of charity legislation in 1904 seems inconsiderable as compared with that of other recent years. This is probably due, in part at least, to the fact that in many of the states having biennial sessions there was no meeting of the Legislature. Some progressive legislation was, however, placed on the statute books of a number of the states. Louisiana followed the example of California in 1903 by providing for a supervisory board of charities and corrections. There are now 19 such boards and 7 boards of control in the United States. The Maryland Board of State Aid and Charities had its duties somewhat extended. Further provision was made in two of the states, Alabama and New Jersey, for the care of the dependent sick and injured. An attempt was made in Massachusetts to separate the delinquent and the dependent cared for at workhouses and almshouses.

There were comparatively few changes in the general poor laws of the states, or in the laws having relation to the public institutions of charity, but such changes as were made evidently contemplate desirable improvements in administration.

The tendency previously noted in these reviews of legislation, to provide with less restriction for the education of the defective classes, continues to be noticeable. The names of "institutions" for the instruction of the deaf and the blind are by law changed to "schools" for that purpose. Almshouses and poorhouses are becoming county or city "homes," and other changes are being made showing greater sympathy for the poor and unfortunate, and less of the spirit of repression that was so long prevalent. The test of investigation as to need or as to willingness to labor, is taking the place of degrading conditions and harsh treatment and the results everywhere prove the beneficence of this newer and more humane course of action.

The growing spirit of religious tolerance is also becoming more manifest. Some of the states have long had laws providing for freedom of worship in the public institutions, an example which the Legislature of Massachusetts has wisely been moved to emulate on the recommendations of the State Board of Charity.

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<sup>1</sup>See also Governors Messages and Index of Legislation, 2140.



**Supervision and administration.** Governor Montague of Virginia, in his message to the Legislature, recommended the establishment of a supervisory board of charities and corrections, while Governor Beckham of Kentucky in his message urged the establishment of a board of control to take the place of the individual boards administering the affairs of the state institutions. It does not appear that this advice was heeded in either case.

Governor Cummins of Iowa reported to the Legislature of that state that the work of the Board of Control still vindicated the wisdom of the law that created it and still commanded the confidence of the people. Governor Garvin of Rhode Island recommended that a woman be placed on the Board of Charities and Corrections, which is in reality a board of control and not a supervisory board of charities. Governor Herrick of Ohio in his message to the Legislature insisted on greater economy of expenditures in administering the state institutions, and suggested that a system of purchasing through competitive bidding be established.

Several amendments were made to the Iowa law providing for the Board of Control in that state. These provide for the employment of architects by the State Board of Control ['04 ch. 109]; for an annual appropriation of \$250 to meet the expenses of the quarterly conferences of the executive officers of the state institutions, with the members of the Board of Control ['04 ch. 110]; for the appointment and regulation of the duties of special policemen at the institutions under the Board of Control ['04 ch. 111]; and for the disposition of unclaimed money left by deceased inmates of state institutions.

In Massachusetts, on the initiative and recommendation of the State Board of Charity, an act was passed providing that inmates of public penal, charitable or reformatory institutions shall be required only to attend religious services of their own belief ['04 ch. 363].

The Revised Statutes of Ohio were amended by extending to all state benevolent or reformatory institutions, the provisions of law prohibiting the abduction of inmates or their enticement to escape, also forbidding trespassing on the ground of the institution and the purchase of clothing from inmates. This statute further provides for the arrest and return of fugitives ['04 p. 306].

In Louisiana where the subject has long been agitated a state board of charities and correction was established ['04 ch. 176]. This is a supervisory board. Its chief duties are to visit and inspect the state and local charitable and correctional institutions, and to make an annual report to the governor and a biennial one to the Legislature.



The Maryland Board of State Aid and Charities was enlarged from five to seven members, two of whom are to reside outside of the city of Baltimore. The salary of the secretary was increased from \$1200 to \$1800 a year ['04 ch.549]. This board is required to investigate institutions receiving state aid and to make recommendations with relation to appropriations to them.

New Jersey passed an act providing that any parent, parents, guardian or custodian who shall make application to have any person admitted to the institutions for defectives shall waive all right to remove such inmate either permanently or for any length of time. It is provided, however, that any inmate may be discharged on the request of the governor or person administering the government of the state on the recommendation of the head of the institution, and also that such person may grant a leave of absence to any inmate for a limited time ['04 ch.134].

*Local boards and officers.* By an amendment to §95 of the Code of Virginia, it is provided that the Circuit Court or a judge thereof in vacation, on the recommendation of the Board of Supervisors of each county, shall in November 1907, or sooner in case of a vacancy, appoint for the county in which he holds court, a county surveyor and a county superintendent of the poor, each to hold office for four years ['04 ch.213]. The previous provisions of the law required the circuit judge to make the appointment in like manner between the time of the approval of the act, Dec. 18, 1903 and Jan. 1, 1904.

**Poor relief.** Maryland placed \$250,000 at the disposal of the State Board of Public Works to be spent for the relief of destitution caused by the Baltimore fire of Feb. 7 and 8, 1904 ['04 ch.129].

*Support and settlement of paupers.* By an amendment to the general "act for the settlement and relief of the poor," New Jersey provided more specifically for proceedings against relatives, compelling them to contribute toward the support of their dependent kinsfolk. It is made the duty of the overseer of the poor to institute proceedings in such cases, which are to be heard by the Court of Quarter Sessions. The court may make an order requiring the relatives to pay not to exceed \$6 a week for each person ordered to be relieved and to give a bond therefor, the order and bond to continue in force for a year ['04 ch.172]. An additional act, further provides that the court may enforce payment of the costs incurred in the proceeding and of the sum mentioned in the order by committing the persons complained of to the common jail or penitentiary of the county for contempt of court ['04 ch.175].



New York amended the Code of Criminal Procedure by providing that the father of a bastard shall be required to pay the necessary funeral expenses in the event of the death of the child, and also by providing that the Court of General Sessions in the county of New York or the County Court of any other county, instead of any "court of record" as previously provided, shall be applied to for an order compelling the relief of poor relatives. The time required for advance notice is reduced from 10 to 5 days ['04 ch.520].

*Poorhouses.* Massachusetts passed a commendable act providing that persons committed to workhouses or almshouses for delinquencies shall be confined in separate and distinct quarters and shall not be permitted to associate or communicate with the pauper inmates thereof ['04 ch.274]. At the same time it will not be an easy matter, if at all practicable, to observe such distinction in the many small town almshouses of Massachusetts. The proper course to pursue in every state is to prohibit the commitment of delinquent persons to almshouses.

In Ohio two statutes were enacted authorizing the county commissioners to expend moneys in emergencies for construction work at the county infirmaries or almshouses. One of these acts provides that in any county in which a county infirmary has been destroyed by fire and not rebuilt or shall thereafter be destroyed by fire or other casualty, the county commissioners of such county shall have authority to appropriate not to exceed \$50,000 to rebuild such infirmary without first submitting the question to the voters of said county ['04 p.33]. The other act strangely provides that in any county in which the county infirmary building is condemned by the Board of Health the county commissioners can expend \$10,000 for the purpose of constructing temporary buildings without first advertising for bids as by statute required ['04 p.169]. This statute would seem to indicate that some of the county infirmary buildings of Ohio are in bad sanitary condition, or that political emergencies calling for the expenditure of money without complying with the usual statutory safeguards are very great.

*Sick and disabled. Ambulances.* The Massachusetts act providing that hospital ambulances shall have the same right of way which fire engines or police patrol wagons now have in the streets of all cities and towns ['04 ch.16] while no doubt commendable in purpose, is a sample of a blind and ambiguous method of legislation, too common in some of the states. To be of practical benefit to ambulance drivers and others, and particularly to the public who scurry to get out of their way, the statute should have declared



**specifically what rights ambulances are to have on the public highways.**

*State hospitals.* The act to provide for the management of the **State Charity Hospital at Vicksburg Miss.** shows a peculiar departure from the usual method of appointing boards of trustees of **state institutions.** By this act the governor is empowered to appoint **five members of the board,** while one is to be appointed by the mayor and aldermen of the city of Vicksburg and the remaining one by **the Board of Supervisors of Warren county.** The governor has the **power to remove the trustees for good and sufficient cause** ['04 ch.112]. **The governor is to appoint a surgeon at a salary of \$150 a month and the trustees, with the approval of the governor, a steward at \$75 a month.** The expenditures of the hospital are to be audited by the **trustees and approved by the governor.**

*Local hospitals.* In Alabama provision was made for the care of **the sick and wounded at the expense of counties and cities.** One **act provides that the county authorities of any county having over 35,000 population may appropriate county moneys to aid in caring for sick and wounded persons, who are unable to provide for themselves, in any hospital maintained in their respective counties exclusively for the care of the sick and wounded within the limits of such counties** ['04 p.183]. Another act provides that the governing **body of cities having a population of more than 5000 inhabitants may appropriate moneys to aid in the care of sick and wounded persons who are unable to care for themselves, in any hospital maintained in their respective cities, exclusively for the care of the sick and wounded within the limits of such cities** ['04 p.411].

In New Jersey further additions were made to the statutes providing for the care of sick poor at public expense. One of these acts **authorizes the voters of any town, township, borough or village to raise moneys for the purpose of maintaining public patients in any hospital in the state** ['04 ch.7]. Another act authorizes the **Board of Chosen Freeholders of any county which has no hospital maintained by such county, other than the sick ward of a county poorhouse, to appropriate not to exceed \$15,000 a year for the support of county dependents in private hospitals** ['04 ch.92]. A third act authorizes **cities, when assent is duly given by their electors, to levy an assessment equal to one third of a mill on the assessable property, for the purpose of caring for indigent patients in regularly incorporated hospitals supported in whole or in part by private subscriptions and located in the city where the assessment is made** ['04 ch.223]. **The final act authorizes the authorities of cities to levy taxes for**



the support of their respective public hospitals, not exceeding one mill on the dollar ['04 ch.224].

**Deaf and dumb.** In Maryland, provision is made for the compulsory education of every deaf child between the ages of 2 and 16 years whose mental or physical condition makes such education expedient or practicable. Any person having such child under his control and who fails to comply with the law is to be deemed guilty of a misdemeanor and fined not exceeding \$5 for each offense. Any person who induces such child to remain from school is also to be deemed guilty of a misdemeanor and fined \$50 for each offense ['04 ch.229]. There are comparatively few states making provision of this nature for the compulsory education of the deaf and the operations and results of the Maryland statute will be watched with interest.

*State institutions.* In Alabama a novel change is made in the law relative to the Alabama School for the Deaf whereby the members of the board of trustees are to be chosen by that board and not by the governor of the state as was formerly provided ['04 p.45]. The desirability of such a change seems, however, to be doubtful, independent appointments and independent supervision being alike desirable. The trustees of such school and of the State School for the Negro Deaf and Blind on the recommendation of their respective principals are empowered to increase the terms of pupils for four years, but no pupil is to be retained beyond the age of 25 years ['04 p.47].

The fee for nonresident pupils at the Iowa School for the Deaf at Council Bluffs is increased from \$40 to \$66 ['04 ch.108].

The name of the Kentucky Institution for the Education of Deaf Mutes was changed to the Kentucky School for the Deaf ['04 ch.42], which is in the line of progress.

Mississippi provided for a commission to select a site not to exceed 160 acres nor to cost more than \$25,000 for the location of an institution for the education of the deaf and dumb in or near the city of Jackson and to construct and equip a building thereon at a cost not to exceed \$75,000 ['04 ch. 108]. The act provides that this commission is to consist of the governor, attorney general and one commissioner to be appointed by the governor, together with one commissioner to be nominated by the Senate and appointed by the governor and one commissioner to be nominated by the House of Representatives and appointed by the governor. The act contains stringent provisions to protect the state against nepotism and dishonesty.



**The people of North Dakota at the general election held in November 1904 approved the amendment to §215 subdiv. 5 of the Constitution, changing the name of the Deaf and Dumb Asylum, to the School for the Deaf and Dumb of North Dakota.**

**The compensation of teachers at the Ohio Institution for the Education of the Deaf and Dumb, was increased to some extent. The salaries paid to these teachers seem to be fully equal to those paid for similar work elsewhere, and to exceed the amounts paid at some of the schools. Maintenance is not, however, to be provided hereafter at the Ohio institution. This was formerly allowed, or the sum of \$200 a year paid in lieu thereof.**

**Virginia by an amendment to the Code, provided for the election of members of the Board of Visitors of the School for the Deaf and Blind, so that terms shall be four years each and that the terms of three of the six members shall expire every two years after July 1904 ['04 ch.39].**

**Blind.** The care of the adult blind in Massachusetts continued to receive further consideration. The Legislature of 1903 adopted a resolve authorizing the governor, with the advice of the Council, to appoint a commission of three persons to prepare a complete register of the adult blind in Massachusetts between the ages of 20 and 60 years, containing a description of their condition, the cause of their blindness and their capacity for industrial training. The act also provides that adult blind persons between the ages of 20 and 60 years who desire to receive industrial training in schools for the blind in other states than Massachusetts may on the recommendation of the commission, and with the approval of the governor and Council, be sent to such schools at the expense of the state. The commission is required to investigate and report as to the advisability and feasibility of ameliorating the condition of the blind by industrial training, the establishment of industrial schools, or by any other means ['04 ch.87].

The counties of Ohio, by an act to provide relief for the worthy blind in 1904, are required to pension indigent blind males over the age of 21 years, and indigent blind females over the age of 18 years, who are free from vicious habits, by the payment of not to exceed \$25 per capita quarterly ['04 p.392]. The act also provides that under no condition or circumstance shall the beneficiary lose his benefits or residence by removal to any institution for the blind not maintained by the state or county.

**State institutions.** Following the example of Massachusetts, Rhode Island appropriated \$1500 for the instruction by the Board of Education, of adult blind persons at their homes ['04 v.13].



As in the case of the Alabama School for the Deaf the trustees of the Alabama School for the Blind and of the State School of Negro Deaf and Blind, on the recommendation of the principal, were authorized to extend the terms of pupils not to exceed 4 years, or till they reached the age of 25 years ['04 p.47].

Georgia, moved by the fact of unsuitable location and buildings, provided for the sale of the property occupied by the Georgia Academy for the Blind, and for the purchase of larger and more commodious grounds near the city of Macon, and the construction thereon of the buildings necessary for the purpose of the school. The buildings are to be not more than two stories in height and of the latest modern design for the accommodation, protection and education of blind children ['04 ch.595]. This otherwise beneficent act is marred by the presence of a section providing that in order to assist the trustees of the school in carrying out the purposes of the act they are authorized to suspend the operations of the academy for the period of one scholastic year.

Iowa raised the fee for nonresident blind pupils at the College for the Blind at Vinton, from \$54 to \$66 ['04 ch.107].

The compensation of the officers and employees of the Ohio State School for the Blind was increased, following the precedent in the case of the Ohio Institution for the Education of the Deaf and Dumb ['04 p.549]. In addition the teachers residing and boarding outside the school may be paid the further sum of \$200 each, in the discretion of the board of trustees.

### Children

The care and protection of dependent and delinquent children continue to receive the growing attention not only of legislative bodies, but of the governors of states as well. Governor Jennings of Florida, in his message to the Legislature of 1904, recommended the enactment of a law authorizing the sending of incorrigible children to the reformatory school without conviction, for an indefinite period. Governor Terrell of Georgia, recommended the separation of juvenile convicts from contact and association with hardened criminals. He also recommended the establishment of juvenile courts in the principal cities of Georgia, and reformatories for juvenile delinquents. Governor Cummins of Iowa called the attention of the Legislature to the general movement throughout the country to provide better care for the boys and girls who are led into crime. In his opinion "By far the greater number of the boys and girls who are arrested and convicted, could be saved from lives of wrongdoing, if intelligent and merciful supervision were exercised at the time they first violate the law."



Governor Bates of Massachusetts, called attention to the fact that some of the judges hesitate to send boys, whose worse offense seems to have been their environment, to the Concord Reformatory. He suggested giving discretion to the judges so that they might send boys between the ages of 15 and 20 to either the Lyman School or the Concord Reformatory, as they deemed best for the boys' welfare.

Georgia, following to some extent the recommendation contained in the governor's message, passed an act providing for the commitment of vagrant and other children to the Georgia Industrial Home, or some other like institution ['04 ch.637]. The county authorities may pay for the care of children committed from their respective counties, not to exceed \$50 a year for each child. This act also provides for the appointment of a legislative committee of nine members to visit without notice institutions authorized to receive inmates under the act, and to report thereon to the General Assembly.

Kentucky appropriated \$15,000 payable annually for the benefit of the Kentucky Children's Home Society ['04 ch.7]. But no part of the money is to be devoted to any other purpose than the care, support and maintenance of homeless and destitute children in Kentucky and in providing homes for them.

Maryland passed a comprehensive act defining the powers and duties of the managers of homes for destitute and other children committed or confided to their care ['04 ch.77]. Under this act such homes may retain females till the age of 18 and males till the age of 21, or may discharge such children at any time before attaining such age. They may permit the return of children to their parents or other relatives or place them in homes without relinquishing their custody, control or supervision, and a record is to be kept of the time of placing out, name and residence of the persons with whom placed, and the terms and conditions of placing out. The managers of such homes are required to cause every child so placed out to be visited not less than once in six months in order to inquire into its welfare. The managers may also require the return to the institution of any child under 21 years of age so placed with parents or relatives or in other homes wherever they shall deem that the welfare of the child requires it. They are also to exercise parental authority and control over such children and make all needful provision as to their care, maintenance and education. When necessary they are to procure the commitment of children to reformatory institutions.

Massachusetts made it the duty of truant officers in cities and of the overseers of the poor of towns to search out children under the



age of 16 years who are suffering want through the neglect of their parents or otherwise, and to provide for their temporary care till other proceedings can be taken ['04 ch.356].

In New Jersey cities of the first class, are authorized to expend \$5000 annually to provide excursions during July or August for the children thereof ['04 ch.69].

New York provided for the removal of children whose mothers are in any state's prison, from such prison when the age of two years is reached. The warden in charge of the prison is required to place such child in an asylum for children, or may commit the child to the care and custody of a relative or other proper person willing to assume the care of the child ['04 ch.547].

**Crippled and deformed children.** Massachusetts provided for the establishment, under a board of trustees, of the Massachusetts School and Home for Crippled and Deformed Children ['04 ch.446]. The trustees, five in number, who are to be appointed by the governor, with the advice and consent of the Council, are to purchase a site for the school and home, subject to the approval of the governor and Council, and to erect suitable buildings to hold not less than 300 children and the officers, employees and attendants, and to provide for the equipment and furnishing of the buildings, provided that the expense shall not exceed \$300,000. The State Board of Charity is to have general supervision of the school and home. To meet the expense of establishing the institution registered bonds, with interest not to exceed 4%, are to be issued payable in 20 years.

**Placing out.** The Board of Control of State Institutions of Iowa, is authorized to employ a state agent for the Soldiers' Orphans Home, the Industrial School for Boys and the Industrial School for Girls ['04 ch.157]. The chief duty of such agent is the finding of homes for orphan children who are or may have been inmates of the institutions named, and the visitation and oversight of such children. The act further provides that the Board of Control shall have power to authorize the agent to take possession of such children, even though they be placed out by indenture or adoption, if not cared for as agreed by the foster parents, and to place them elsewhere.

By a Massachusetts act, the board of trustees of the Lyman and state industrial schools, are required when practicable, to bind out children in families or homes whose heads are of the same religious belief as that of the parents of such children ['04 ch.363].

**Juvenile offenders. Juvenile courts.** The recommendation of Governor Cummins bore fruit in the enactment of an interesting and comprehensive Juvenile Court law in Iowa ['04 ch.11]. By



this enactment District Courts are empowered to hear and determine the cases of children coming within the scope of the act, of which a separate record to be known as the "Juvenile Court Record" is to be kept. The statute further provides for the appointment by the court of probation officers, and for the commitment or parole of children. The Board of Control is required to designate and approve the institutions and associations to have charge of juveniles under the act, and to supervise, oversee and visit them. The religious belief of children is safeguarded by the provision that the court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of the child, or with some association which is controlled by persons of like religious faith with the parents.

By an amendment to the Code of Public General Laws, Maryland provided for the commitment of female minors to juvenile institutions, till the age of 21 years, instead of 18 as formerly [o4 ch.291]. Under this act a minor may be so committed if he is without any proper place of abode or guardianship, or is neglected or ill treated by his parent, guardian or custodian, or such parent, guardian or custodian is unable properly to care for him, or if it clearly appears that by reason of the character or surroundings of such minor he has become so vicious and depraved that his welfare, as well as the peace and good order of society, require such commitment.

Ohio also enacted a comprehensive Juvenile Court and probation law, following closely the lines of the Iowa statute which in so far as its principal features are concerned seems in turn to have been modeled after the Illinois law of similar purpose, enacted about five years ago. In Ohio, the judges of the Common Pleas Court, in counties where three or more such judges regularly hold court concurrently, together with the probate judge and the judges of the Superior and Insolvency Court, where such courts or either of them exists, are required to designate one of their number to act as judge of the Juvenile Court. A special courtroom is to be provided and a special court record, to be known as the "Juvenile record" is to be kept. The Juvenile Court is required to appoint probation officers, one of whom to be known as the chief probation officer, is to receive a salary of \$4 per day. The court may also appoint an interpreter, as assistant to the chief probation officer, at a salary of \$3 a day. It is made the duty of the Board of State Charities to visit, inspect and supervise all associations receiving children under this act, and no child shall be committed to any association not having a certificate from such board.



Associations incorporated in other states are prohibited from placing children in Ohio unless such association shall have furnished the State Board of Charities with such guaranty as the board may require to protect the state of Ohio from becoming chargeable with the support of such placed out children. The religious belief of children is safeguarded, as in the Iowa statute, by the provision that the Juvenile Court in committing children, shall place them so far as practicable, in the care and custody of some individual holding the same religious belief as the parents of the child, or with some association which is controlled by persons of like religious faith as the parents of the child.

Virginia provided for the commitment of minors up to the age of 18 years to the Prison Association of Virginia on an indefinite sentence, not to continue, however, beyond the age of 21 years ['04 ch.60]. The governor is given the power of pardoning such minors, provided it shall be made to appear that the case is a proper one for the exercise of executive clemency and that the Prison Association, on proper application made to it, has refused to discharge such minor, or has failed to act on the application for such discharge within 30 days after it was made.



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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 258

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The Insane      T. E. McGarr  
Feeble-minded and Epileptic      J. C. Carson

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**THE INSANE<sup>1</sup>**

**T. E. MCGARR, SECRETARY NEW YORK STATE COMMISSION IN LUNACY**

**General.** Governor Terrell of Georgia recommends the appointment of a committee to confer with hospital authorities to bring about greater coherence in the statutes relating to the insane.

New York ['04 ch.330] increases the salary of the president of the State Commission in Lunacy from \$5000 to \$7500.

West Virginia ['04 ch.23] revises the law with reference to the management of the West Virginia Asylum at Huntington, reduces the number of hospital directors from eight to five, and provides that not more than two shall be of the same political party. No special requirement in the line of experience in the care and treatment of the insane is indicated in the appointment of a superintendent. Among other persons eligible for commitment to this institution are epileptics and cataleptics (sane or insane). Consumptive or cancerous persons or those afflicted with leprosy are ineligible for admission.

**State care system.** Maryland ['04 ch.421] provides that after Jan. 1, 1909, the state shall assume the care of all resident dependent insane persons, and that as soon as possible after such date the State Board of Lunacy shall transfer all insane persons remaining under county or city care to one of the state hospitals, provided they are appropriate for care in such institutions. A commission is created of which the governor is a member, which is to report before January 1906, on such measures as may be necessary to enlarge the present state hospitals or to create other state hospitals as may be required to accommodate the insane remaining under local control.

In South Carolina Governor Heyward recommends that some provision be made to guard against the admission of all classes of defectives and unfortunates who are not otherwise provided for, in the state insane asylums. He suggests that greater care and local interest may be secured by requiring the counties to pay a portion of the expenses for each patient sent to the hospital. This would

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<sup>1</sup>See also Governors Messages and Index of Legislation, 2193.



interfere with the present arrangement by which each community places on the state the burdens and responsibilities which they should assume themselves at least in part.

**Exclusion of alien insane.** Adopting Governor Odell's recommendation the New York Legislature ['04 ch.326] provides for the examination of insane, idiotic, imbecile and epileptic immigrants at the port of New York as a preliminary to their deportation, by the appointment of the State Board of Alienists consisting of three physicians of experience in the care and treatment of the insane. New York State being the greatest sufferer from the influx of defectives of these classes provides by an expenditure of \$5000 for the salary of a chairman of the Board of Alienists and \$3000 each to his assistants for a systematic examination of aliens on landing at the port of New York. The design of the bill is to provide cooperation between the national and state authorities in these examinations.

**Reception hospital for the acute insane.** Governor Odell of New York made a plea for a separation in the care and treatment of the acute and chronic classes and recommended that additional and separate institutions should be provided for the acute class. The Legislature ['04 ch.760] established a State Reception Hospital for the Insane in the borough of Manhattan, the site for the building to be donated by the city of New York and the buildings thereon to be constructed at the expense of the state. It is designed to accommodate in this hospital 200 patients suffering from actual or suspected mental disease of a curable type. Provision will be made for immediate admission to this institution, and the most advanced appliances are to be made available. \$300,000 is provided for the buildings.

**Additional accommodations.** Governor Beckham of Kentucky says that the three asylums for the insane have been so crowded for the past two years that new patients could not be provided for. In consequence persons adjudged of unsound mind have been compelled to remain in county jails for months awaiting vacancies in one of the asylums. The governor recommends the construction of additional buildings at one or more of the present asylums.

In Louisiana Governor Heard made a similar recommendation in connection with additional accommodations for patients at the Asylum for Insane Colored People at Alexandria. In accordance with this recommendation the Legislature ['03 ch.5] appropriated \$25,000 for the construction of additional buildings at that institution.



The same condition exists in Maryland, in which state Governor Smith reports that there are over 2000 dependent insane, with accommodations at the institutions located at Springfield and Spring Grove to care for about one half that number; the balance being in the county almshouses, the jails, a small private sanatorium at Mt Hope, and the Bay View Asylum. He strongly recommends additional provision for this class.

In Massachusetts Governor Bates refers to the enactment in 1900 of legislation providing state care for the insane and estimates that the commonwealth must annually provide for 500 additional patients. He opposes the issuance of bonds to cover the cost of additional buildings and recommends that such expense be met out of the current income.

In Ohio Governor Nash points out the fact that the act of Ap. 14, 1900, providing that on and after June 1, 1903, it will be unlawful to receive in any county infirmary any insane or epileptic persons, will require amendment inasmuch as the additional buildings provided through appropriations made by the Legislature have not been made available. He expresses the belief that all insane and epileptic persons can be accommodated in these buildings on Aug. 1, 1904.

The Legislature of this state ['04 p.651] provides for the appointment of a committee of five to be appointed by the governor to consider a location and secure an option on lands suitable for the insane and to report to the next General Assembly. Not more than three of the appointees shall belong to one political party.

**Compensation of employees.** New York ['04 ch.714] amends the insanity law by providing a 25% increase in the schedule allowances made by the State Commission in Lunacy for the compensation of employees of state hospitals. This increase relates to employees not in immediate attendance on the insane and is supplemental to legislation of 1903 which provided similar increases in the compensation of nurses and attendants.

**Commitment.** Alabama ['04 p.237] provides that county commissioners and county board of revenue shall have a schedule of fees to be paid county officers or persons duly deputized by them to temporarily provide for the care and maintenance of any person alleged to be insane when such person has no means of paying such expense. The question of financial ability to pay such fees is to be determined by the judge.

Iowa ['04 ch.78] provides that where county commissioners find a nonresident lunatic within the county, the cost of the necessary investigation and commitment of such person shall be paid in the



first instance by the county in which he is found; that if he is found to have a legal settlement in any other county of the state such expenses shall be paid by the supervisors of that county in the manner provided for the payment of other claims. If the person has no residence within the state such expenses shall be paid from the state treasury on properly itemized and verified vouchers.

New York ['04 ch.428] amends the insanity law in regard to the method by which experts and others whose services may be required in the determination of the question of insanity may be paid by cities or towns.

Ohio ['04 p.296] provides a schedule of fees for examinations conducted to determine the question of sanity.

Virginia ['04 ch.240] provides that when a person is certified as insane he may be committed as heretofore to a state institution or on the request of the patient's friends he may be committed to a private sanatorium, but in no event shall any patient be kept in such private sanatorium for a period exceeding four months. The expense incurred in his commitment and maintenance is to be borne by his friends.

**Discharge.** Ohio ['04 p.52] amends the statute relating to the care of insane persons by providing that no patient who, in the judgment of the superintendent, is homicidal or suicidal shall be discharged. If the friends of such patient are financially unable to bear the expense of the removal of a person suitable for discharge the superintendent shall give notice to the probate judge who shall thereupon issue his warrant to some suitable person, giving the friends of the patient the preference.



## FEEBLE-MINDED AND EPILEPTIC<sup>1</sup>

**J. C. CARSON M.D. SUPERINTENDENT SYRACUSE STATE INSTITUTION  
FOR FEEBLE-MINDED CHILDREN**

**Governors messages.** To the interests of the feeble-minded and epileptic reference was made by only two governors, those of South Carolina and Kentucky, in their messages for 1904.

In South Carolina it would appear as if inebriates, epileptics and insane were all being provided for by the state in one hospital building. The governor wisely recommends separate provision for each of the classes mentioned in buildings on the present property. A still wiser recommendation would have been that of buildings for each in separate localities.

A law in Kentucky authorizes the county authorities to "farm out" at state expense pauper idiots at a certain stipulated rate, which we believe is \$75 a year. The system has often been condemned and considered a premium on idiocy. The governor asks for a report from county auditors, of the amounts paid by the state for the support of idiots. He declares it to be a "big pauper pension system" and asks the Legislature either to curtail its growth or abolish it altogether. He also advises that each county be required to take care of its own poor. A better system would be for the state to care and provide properly and separately for the feeble-minded and idiots as distinct from other portions of the pauper class. If the annual rate allowed by the state is not more than the amount above mentioned it would seem that an inquiry into the care and supervision of idiots under the present farming out system might in some instances prove interesting.

**Legislation.** In New York an act was passed ['04 ch.462] amending '96 ch.546 relating to the Rome State Custodial Asylum. The first important feature of the amended law is the elimination of the objectionable words "unteachable idiots" and the substitution therefor of "feeble-minded persons and idiots." The second is in relation to the appointment of a superintendent. When the Rome State Asylum was established it became a part of the state hospital system for the insane and the law required the managers to appoint a superintendent whose experience had been confined to the care and treatment of the insane. Inasmuch as the asylum now provides only for the feeble-minded and idiots the amended law very wisely and fairly extends the qualifications of a superintendent to one who has

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<sup>1</sup>See also Governors Messages and Index of Legislation, 2210.



had "suitable experience and training of not less than three years in the care and treatment of the mentally defective classes, epileptic or insane." Furthermore, the law very properly requires that the State Civil Service examination for the position shall be given on the lines of qualification, experience and training as above mentioned.

A second act in New York ['04 ch.545] also amends '96 ch.546 by adding a new subdivision in relation to autopsies at the Craig Colony for Epileptics. It provides that in case of the death of any patient at the colony who shall have been maintained wholly at public expense and whose body is not claimed by relatives or friends within 48 hours after death, the person claiming the body for burial shall present an affidavit stating that he is a friend or relative of such deceased patient and the facts and circumstances on which the claim of such relationship or friendship is based. If such person shall refuse to make said affidavit the right of claim to the corpse becomes forfeited. The purpose of the act is to legalize the performance of autopsies on unclaimed bodies, in the interest of medical science.



## EDUCATION<sup>1</sup>

ANDREW S. DRAPER LL.D. NEW YORK STATE COMMISSIONER OF  
EDUCATION

This brief review is intended to summarize the legislation in the United States in the year 1904 relating to education or to the schools, so far as it may seem to reflect any maturing of popular sentiment, indicate any new popular purpose, or create any real change in plans of organization or methods of procedure.

Our lists show 126 different enactments. Of course many of these are so merely local and incidental as to be without significance to the general student of education, and they are passed by. Not a few which have doubtless resulted from the whims of legislators or the accidents of legislation must be disregarded though they are not without interest for they do indicate more or less clearly the differing points of view of the educational or legislative mind in different sections of the country. Some reveal the very limited means which legislation has at its disposal in some states to meet pressing educational needs, and some exceptional cases show a more serious lack of popular purpose or of legislative competency than of means with which to do what ought to be done. Nearly all, perhaps all, manifest a disposition to bring to their people the advantages of the educational system where it has reached its best development and many show popular determination and legislative grasp which are breaking out the highways of educational progress.

Perhaps it is well to say at the outset that one can hardly examine the subject without being surprised and gratified at the extent of legislation which proves a decisive and a widening advance of educational purpose and confidence in the Southern States.

**State systems.** Alabama enlarged the powers of municipal corporations to acquire property for school purposes. Kentucky provided for establishing graded schools in common school districts lying in different counties. Louisiana enacted important amendments to the general school law of the state which enlarged the powers of the state board and of local boards and seem to make a decided advance toward the perfection of a state system; among

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<sup>1</sup> See also Governors Messages and Index of Legislation, 2220.



other things the act establishes a procedure for removing incompetent superintendents, fixes a minimum salary for local superintendents and opens the way for advancing salaries, increases the number and efficiency of teachers institutes, places all teachers on the examination and merit basis and confers very important and potential additional powers on the school board of the city of New Orleans. Maryland reorganized the State Board of Education, district school trustees, county school commissioners, district libraries and normal schools receiving aid from the state, in ways which are apparently very desirable. A Massachusetts act empowering local school committees to use school moneys for exhibits at national, state or foreign expositions suggests once more the inadequacy of township government to popular education. New Jersey and Ohio passed new and very important school codes which, it must be regretted, are too voluminous for even topical synopsis here. New York extended to school districts of more than 5000 inhabitants and organized under special statutes certain rights of her union free school districts. Virginia passed three important acts promising much for a "uniform system of public free schools" throughout the state. They clearly indicate a very good grasp of the essential principles on which such a system must stand but are too comprehensive to permit of any statement of details here.

**Officers, districts, terms etc.** Alabama shows a healthful tendency to longer school terms in the year by changing the time of the annual meeting of township trustees in each county from the last Monday in October to the first Monday in September, and by providing that the teachers shall be elected at that time: legislation abolishing township lines for school purposes and redistricting the state and creating county and district boards of trustees and securing a much larger measure of local control under wholesome general directions, was also enacted. This legislation seems wholly desirable and promises much for the state.

New York consolidated the State Department of Public Instruction and the University of the State of New York and created the State Department of Education, establishing the office of Commissioner of Education and reorganizing the State Board of Regents

Mississippi increased the salaries of county superintendents from \$150-\$600 to \$500-\$1000. The Supreme Court of Montana declared unconstitutional so much of an act establishing qualifications for county school commissioners as was in excess of the requirements fixed by the Constitution. Kentucky struck out the limitation on salaries of secretaries of boards of education and authorized boards



to fix the amount. Massachusetts provided that in any case where two or more towns were joined in a "superintendency union" and any part of the expense is borne by the state the State Board of Education shall determine the qualifications of candidates for superintendent, and that no one shall be elected to such position who is without the certificate of the state board; also that no member of a school committee shall be eligible to election as superintendent or teacher under the charge of the committee. New Jersey provided for reducing the number of members of school boards; Rhode Island arranged for the joint supervision of two or more towns as Massachusetts has heretofore done; and South Carolina amended her statute governing the election of trustees in districts of less than 5000 inhabitants.

**Buildings and grounds.** Iowa increased the amount for which the smaller cities and towns of 2000 to 3000 inhabitants may incur debt for school buildings; New Jersey authorized cities of from 12,000 to 150,000 to convey municipal lands to school boards and New York enlarged the powers of school authorities to acquire lands for school sites, and also provided that no school building shall be erected or enlarged in any village or district till the plans and specifications have been approved by the commissioner of education.

**Finances.** Alabama arranged for selling sixteenth section school lands believed to contain minerals; Kentucky enlarged the limit of school taxes; Louisiana did the same and provided for the administration of gifts to education; West Virginia opened the way for more liberal expenditure for schools; Massachusetts arranged for the permanent investment of the "technical education fund" and Minnesota and South Dakota adopted at the November election amendments to their Constitutions materially enlarging the limit of indebtedness for school purposes. Massachusetts enacted that no town shall receive any part of the state school fund unless it complies with the school laws and proved again that the earlier theories of school administration in the Bay State are departing. Mississippi adopted at the last election a comprehensive constitutional amendment covering the collection, care and apportionment of school moneys on the basis of children of school age, and New York consummated her educational unification act by empowering the state commissioner of education to apportion all school moneys formerly distributed through the two departments. Florida adopted at the November election an amendment to the Constitution enlarging the upper limit of county school taxes from 5 to 7 mills, and Georgia at the same time adopted an amendment to the Constitution author-



izing the maintenance of public schools by local taxation when two thirds of all persons voting (formerly qualified voters) are in favor of it. Kentucky restricted the use of county seminary property to the use of schools for *white* (formerly all) pupils, authorized cities of the fourth class to separate systems of graded schools into schools for white and colored pupils, prohibited white and colored pupils from attending the same school and imposed a fine of \$1000 and \$100 per day after conviction for operating a school which receives pupils of the white and negro races.

**Teachers.** Massachusetts increased the annual allowance by the state to county teachers associations from \$25 to \$50; Alabama required that teachers be paid monthly instead of quarterly; and Mississippi enlarged the upper limit of pay for her first grade teachers from \$55 to \$65 per month. In Alabama, Mississippi and Virginia there was legislation calculated to improve the systems for examining and certificating teachers. Alabama established a free summer school for teachers at the State University and made the governor and state superintendent trustees of the normal college at Livingston. Georgia reorganized the managing board of the normal school at Athens. Ohio "slipped" the least bit in the direction of a normal school system by empowering trustees of a township in which a normal school is or may be established to submit to a vote of the electors the question of levying an annual tax of 2 mills on the dollar for its aid. One must necessarily look through a perfect maze of agitational, ministerial, political, discussional and judicial proceedings, however, in order to see any money. South Carolina modified her scheme for assigning scholarships at the Winthrop Industrial and Normal College, and Virginia made apparently unimportant changes in the administration of the Virginia Normal and Industrial Institute and the State Female Normal School at Farmville, and also created a commission to report on the advisability of establishing another normal school for women.

**Attendance.** Iowa increased the period of compulsory attendance from 12 to 16 consecutive weeks. Kentucky passed an act requiring that children between 7 and 14 years attend school at least five months each year, with a little machinery for forcing it and some penalties for evading it which will be improved on in coming years. Maryland decreed, very commendably, that deaf children must attend a school for the deaf at least eight months each year. Massachusetts enlarged the period of commitment of a habitual truant from two years to the time when he shall be 16 years old, and directed the State Board of Education to investigate and report on



the advisability of increasing the age of compulsory school attendance so as to include children of the age of 14. New York provided for the compulsory attendance of the children on her seven Indian reservations.

Kentucky required that schools must be in session six (formerly five) months each year in order to share in state funds.

**Curriculum. Textbooks.** Missouri submitted at the November election an amendment to the Constitution authorizing a tax for free textbooks which the people rejected. Alabama adopted a rather formidable scheme creating a state textbook commission and providing for uniform books, and Kentucky and Mississippi took substantially the same step. Iowa included in her list of authorized textbooks, "books for the purpose of teaching vocal music."

**Higher institutions.** Iowa directed that annual reports from the State University, the State Agricultural College and the State Normal School be made to the Legislature annually and "within three days after the said General Assembly shall have convened" and set forth with considerable legislation acumen and strenuousness the details which must be set forth in the reports; and also appointed a legislative commission to report on the advisability of changing the system of management of the state educational institutions. South Carolina established 124 beneficiary scholarships in the State Agricultural College.

Alabama passed an important act concerning the management of the State University. Louisiana submitted to the people, who adopted it, at the November election, an amendment to the Constitution repealing the limit on appropriations which might be made to the State University, and also authorized the sale of lands for the aid of the University. Mississippi gave the governor with the approval of the Senate the power to appoint the trustees of the State University. Ohio extended to all municipal universities, colleges or other educational institutions the power (heretofore given to the University of Cincinnati and the University of Toledo), to receive and administer trust funds. Alabama provided the higher institutions with a way for amending their charters with the approval of the governor.

**Agricultural schools.** Alabama required agriculture to be taught in the rural schools; Kentucky gave \$15,000 to the State Agricultural and Mechanical College; New York appropriated \$250,000 for agricultural college buildings at Cornell University.

**Conclusion.** It should be understood that this review does not cover appropriations made to education and which are set forth in



appropriation bills rather than in bills with educational titles. There is every reason to know that these were large beyond precedent.

Casting a glance over the general field it may safely be said that the legislation of the year indicates not only a new measure of quickened and intelligent popular interest in education but also a determination to exercise the political power of the masses for educational upbuilding. This is relating education to the industries and happily it is being done with a better recognition of the telling influence of the higher learning on the mechanical and agricultural vocations. There is clearly a universal movement in the country toward a comprehensive educational system which shall recognize every condition in life, every form of intellectual activity, every phase of labor, depending on skill; which shall assure every one his fair chance; and which shall perceive that the true greatness of the nation depends on public policies which make all that can be made, industrially, intellectually, and so morally, of every individual unit.



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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 251

**LIBRARY LEGISLATION OF 1903 AND 1904<sup>a</sup>**

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**Legislation of 1903**

In 1903 the Legislatures of 32 states and territories enacted 97 laws affecting libraries. Of these 32 are special acts in the sense that each of them applies to a single library only, and 22 concern the functions and management of the state or territorial library. Important provisions are included respecting the collection, care and distribution of law reports and public documents. In two states state historical societies are named and in seven states and territories special provision is made for preservation, translation and use of historical records. The other 65 are general in their application within each state, including acts that relate to commission work. Six legislate for law libraries and 11 prescribe or change methods of establishing public libraries. The public library law of South Carolina is new.

In all 37 laws have some provision in regard to money for library work, of which 6 relate to state libraries, 8 to state library commissions and 23 to rate of taxation for public libraries. In most of these provision is more liberal than it has been. The union of adjoining districts or municipalities for support of public libraries forms the subject of laws in Pennsylvania, Delaware and Michigan; power of contract by towns and cities with existing libraries is conferred in Ohio, Indiana and Oregon.

Location of libraries also assumed a new importance. In Nevada and New Mexico sites are directly granted to specified libraries. In Buffalo and in villages of New York generally, when authorized by an election, money may be borrowed on bonds for cost of library sites. By a new law of Wisconsin, as well as in Buffalo, land for this purpose may be taken by condemnation. In Illinois and Indiana public parks may be used for libraries and rights of owners of abutting lands settled by condemnation, if such use is authorized by a municipal election in Illinois or by

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<sup>a</sup>See also Governors Messages and Index of Legislation, 1903 and 1904, marginal no. 2352.



municipal boards in Indiana. The manner of dealing with library gifts is also a subject of legislation.

All points noted serve to emphasize new interest in library establishment and administration which appears on every hand. They mark also the special lines of activity which seem most important to those who lead the movement in each state, and which have for that reason been urged on the several Legislatures.

**Library commissions.** Notable in the year's legislation is the attention paid to public library commissions. They received special consideration in 10 states. Three commissions went out of existence and three new ones were created. But the work has not been abandoned anywhere nor has any new state been added to the list. In Colorado and Connecticut the work of the commissions has been enlarged by adding traveling libraries. Two commissions have no appropriation and three have less than a year ago, but the increase in 13 other states is much greater than these losses, showing a total gain of 36%. Indiana has advanced from \$3000 to \$7000, Michigan from \$5800 to \$7800, Minnesota from \$3500 to \$6000, Pennsylvania from \$1750 to \$6000 and Wisconsin from \$9000 to \$18,000.

Some further details of laws affecting commission work are given.

Supplementing the consolidation law of 1901, New Hampshire abolished her Board of Library Commissioners created in 1891, and conferred their powers on the trustees of the State Library. For her Public and Traveling Library Commission of 1901 and that in charge of the State Library, Washington substituted a single body consisting of the governor, five Supreme Court judges and the attorney general. In theory they represent the interests of the general public, the court and the bar respectively. They are to control the miscellaneous, law and historical departments of the State Library, a system of traveling libraries and give assistance to public libraries. For the latter three departments there is to be an advisory board consisting of the state superintendent of public instruction and four appointees of the governor, two each on recommendation of the State Historical Society and the State Federation of Women's Clubs. The state librarian is secretary of both commission and advisory board. Unfortunately \$6000 appropriated for traveling libraries was vetoed by the governor and consequently no advisory board has yet been appointed. There is danger that the numerous regular duties of so many ex officio authorities will interfere with the proper consideration



of library problems. But Washington is looking forward to a more stable administration and the centralization effected should produce good results under an efficient executive officer.

In Idaho also the commission of 1901 is displaced by a new one with the usual duties relating to free and traveling libraries. It is composed of the attorney general, secretary of state, president of the State University and superintendent of public instruction, who is also secretary. Under the guise of economy, to make such an important department a mere adjunct of an office already burdened with work distinctly its own looks like a step backward. The club women of the state who were instrumental in securing the original commission are entirely excluded from consideration. The annual appropriation was reduced from \$3000 to \$2500 and a bill aiming at much needed improvement in the State Library was killed.

Connecticut after 10 years of state aid to libraries appropriated \$2000 annually for a library inspector and traveling libraries and pictures.

Colorado, which like Maryland now has two commissions, established one in 1899 to advise public libraries with \$250 a year. A second is now added to have charge of traveling libraries with a two year appropriation of \$2000. Each has five members appointed by the governor, those of the second on nomination by the State Federation of Women's Clubs. The first consists entirely of men, the second of women. Both have headquarters in Denver, but apparently too far apart to combine and prevent waste of funds and effort in needless duplication.

In Wisconsin, where traveling libraries equipped through private funds have been so successfully conducted by the Free Library Commission since 1896, a distinct traveling library department is now added. The commission is to continue its supervisory relation to the various county traveling library systems which are independently organized and were given a legal status in 1901. It is authorized to cooperate with other commissions in publishing documents. For this enlargement of its duties, for the expansion of its legislative reference room and for strengthening its instructional work in the field the annual appropriation is doubled to \$18,000.

In Indiana the commission for the first time is assigned permanent quarters in the statehouse, and is authorized to provide courses of library instruction and serve public libraries generally for the best interests of the state. Annual reports are to be ob-



tained from all libraries in the state and a full biennial report made to the governor. On account of a technical error the section of the law allowing employment of a secretary has been declared unconstitutional, leaving this office to the state librarian as formerly. The annual appropriation is raised from \$3000 to \$7000.

California adopted an amendment permitting loan of books from the State Library to persons other than members of the Legislature, one of the objects being the formation of traveling libraries. The librarian is also to collect statistics of and for public libraries in the state. The intention is ultimately to have the powers and duties of a commission vested in the State Board of Library Trustees. This is in line with the growing tendency toward unification of library interests within a state and centralizing them at the State Library.

There are 22 commissions in 20 states. Traveling libraries are maintained by 18 states and 10 make grants of money or books to public libraries. There is a constantly growing appreciation of what commissions may do to promote establishment of new libraries, aid and improve existing ones, and provide good reading matter free for isolated communities. To do this satisfactorily there should be one or more persons in thorough and intelligent sympathy with the work, who give it their full time and attention. There must be suitable rooms and office equipment. The best and largest results are being accomplished where there is a trained organizer, and a wise administration of grants from public funds implies systematic inspection.

The commission work appeals to all and is more and more fully developed and sustained.

The advance guards of traveling libraries are everywhere and the permanent, strongly founded, liberally supported public library is assuming its proper place.

### **Legislation of 1904**

In 1904 legislative sessions were held in 16 states. Twelve of these passed 37 library laws of general application and a number of local acts. Geographically they are divided: North Atlantic states, 6 laws in 4 states; Southern, 15 laws in 6 states; North Central, 8, all in Ohio; Western, 8, all in Iowa.

In New York the unification bill is of first importance. It combines the University of the State of New York and the Department of Public Instruction, forming the Education Department. This is controlled by a board of 11, (formerly 23) Regents elected by the Legislature, one each year for a term of 11 years, (formerly chosen



for life). The chief executive, the commissioner of education, is elected for six years, and has large independent powers. He has appointed three assistant commissioners, a director of libraries and a director of science. In the library division are centralized all the library and home education activities of the state, including the State Library, common school, public and traveling libraries, traveling pictures, etc.

**Public libraries.** Considerable activity is manifest in the South. Alabama for the first time mentions library associations in a law which is only a brief addition to the code relating to corporations, stating that a library shall have three to nine trustees. Georgia has amended the law of 1901 which placed the management of public libraries in the hands of school authorities. This power is now vested in a board of trustees elected by the city council. This insures the attention of a board whose sole aim is to promote the growth and influence of the public library. In Ohio public libraries in cities and villages are to have six trustees, not over three from same political party, not over three women.

**Joint control of public libraries.** In Iowa, colleges and cities may jointly establish and maintain public libraries on such terms as may be mutually agreed on, the library tax and qualifications of trustees being the same as in other cities, the city treasurer to pay library taxes to library treasurer.

**Transfer.** In Ohio, municipalities may transfer suitable property to district public libraries. In Kentucky, free library corporations may transfer libraries to cities or towns for free use.

**School libraries.** New York raised the annual appropriation for school libraries from \$55,000 to \$100,000. Regulations for distribution are to be made by the commissioner of education. The state grant and its equivalent can be spent for approved books only. South Carolina follows the plan of North Carolina. When \$10 has been raised by private subscription in any district, the county and the state shall each appropriate a like amount. Districts may exchange libraries. \$5000 annually is appropriated and grants are limited to 12 schools a year in any one county.

**Traveling libraries.** New Jersey transfers the management of traveling libraries from the State Library to the Public Library Commission. This is contrary to the prevailing tendency, when changes are made, for the State Library to absorb the commission and assume its functions, as in New Hampshire, Ohio and Washington.



**State libraries.** In Kentucky the state librarian is to be elected by the General Assembly every four years, (formerly every two years) with salary increased from \$1000 to \$1200. Georgia raises the salary of the assistant librarian from \$800 to \$1200. Ohio gives \$5000 for erection and equipment of additional rooms for state library. Virginia permits books to be lent for 2 weeks instead of 10 days, repealing a clause forbidding the removal of a book from the city of Richmond and substitutes the advanced idea of inter-library loans and traveling libraries.

**State documents.** Seven states dealt with distribution and exchange of public documents. Rhode Island gives the State Library 25 copies of every state publication for distribution to libraries in the state. Iowa authorizes the secretary of state to exchange the Code for documents of foreign countries for the State Library. State documents are to be sent to colleges on application. Such documents as are not required for public use are referred to the state librarian and the curators of State Law Library and of the historical department on whose recommendation the Executive Council may dispose of documents.

**Law libraries.** In Alabama the Supreme Court librarian's salary is raised. Ohio provides for printing and distributing the catalogue of 1904 of the Supreme Court library and requires counties to pay librarian's salary where an association maintains a free law library. In Massachusetts incorporated law libraries are to receive free the same public documents as county law libraries.

**Historical societies.** Maryland gives \$4000 to State Historical Society to prepare and publish state archives. Ohio \$7500 for republishing 12 annual volumes of State Archaeological and Historical Society. Iowa appropriates \$7500 annually, formerly \$1000, for support of State Historical Society and \$200,000 to complete state historical, memorial and art building.

**Tax.** In Ohio, township trustees may levy annually 1 instead of  $\frac{1}{10}$  mill for public libraries. Iowa raises the maximum tax in cities and towns to 2 mills, formerly 1 mill in first class and 2 in second class cities. In addition it permits 20% of the mulct tax to be given to public libraries.

**Capital stock.** In New Jersey educational, library or literary corporations may issue capital stock, change name, etc.

**Penalties.** Iowa fixes a penalty of \$100 or 30 days imprisonment for injury to library property. In Virginia one half the fine for damage to State Library property is to go to the library and it is made a misdemeanor not to return books within 2 weeks after notice.



*New York State Education Department*  
**New York State Library**

**REVIEW OF LEGISLATION 1904**

**LEGISLATION BULLETIN 25V**

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Local Government      Delos F. Wilcox  
Local Finance        Frederick R. Clow  
Municipal Functions    John A. Fairlie

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**LOCAL GOVERNMENT<sup>1</sup>**

**DELOS F. WILCOX PH.D. SECRETARY CIVIC CLUB, GRAND RAPIDS**

**City government**

The year under review was nearly barren of significant legislation directly concerning municipal affairs. There was little actual progress made in home rule, popular responsibility or other important movements of the time. There were no important city charters granted and no striking revisions of general municipal laws. Illinois adopted the constitutional amendment ['03 p.358] described in last year's review authorizing the Legislature to grant Chicago a new charter subject to acceptance by the people. Tennessee rejected the amendments ['03 ch.532] authorizing the exemption of manufacturing plants from local taxation, limiting municipal indebtedness and authorizing the Legislature to pass road, fence and stock laws for particular localities. Florida rejected a constitutional amendment ['03 p.643] to permit the division of municipalities into four classes and the enactment of legislation applying to the separate classes, instead of to all municipalities as now required.

The Legislature of Virginia passed laws providing for the extension or reduction of the corporate limits of cities. In either case the change of boundaries is determined by the courts. If it is a case of reducing the size of a city, what is necessary to bring the matter before the court is an ordinance of the council ['03 ch.329]. If, on the other hand, it is a question of extension, the matter may be brought before the court either by ordinance or by petition of 51% of the voters residing in the territory to be annexed.

Another Virginia act ['03 ch.505] gives the council of a city authority to redistrict the wards whenever it sees fit as well as when there is some ward having more than 3000 population in excess of the number in some other ward. The act of 1903 [ch.113 (ex. sess.)] providing for the representation of wards according to population was repealed ['03 ch.371 (ex. sess.)].

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<sup>1</sup> See also Governors Messages and Index of Legislation, 2430.



In the special act incorporating the village of Salem ['04 ch.238] the New York Legislature made a somewhat unusual distinction among the functions of the electorate. Any township voter may help elect the village officials, but in order to be authorized to vote on raising money by taxation or special assessments a man must either have property on the tax rolls or else have a wife who does. Women taxpayers are also allowed to vote on these latter questions.

In Massachusetts, the Legislature passed a new charter for the city of Pittsfield ['04 ch.389] with a referendum attached. If the people rejected the act the first time, it was to be submitted to them again the next year.

In a few cases there were significant changes in the organization or power of cities. In New York for the city of Niagara Falls, a board of estimate and apportionment was established ['04 ch.300]. The board consists of only three members, the mayor, the president of the common council and the city treasurer, but has the usual powers with reference to the preparation of the budget. The common council has the final adoption of the estimates but has no authority to increase any of them. In cases where any member of the board is officially interested in the approval of bonds, the fixing of salaries or of the number of subordinates, his place on the board is taken temporarily by the corporation counsel.

The Maryland Legislature created a burnt district commission for Baltimore, to consist of the mayor and "four capable and upright citizens" appointed by him subject to confirmation by the second branch of the Council. It was required that two of the members should be chosen from the minority party and that no one holding any paid or unpaid office under the city should be eligible. The duties of the board were (1) to lay out, open, extend, widen, straighten or close any street in the burned district; (2) to establish a building line and width of sidewalks; (3) to open public squares and market places; and (4) to lay out additions and extensions to the wharves, docks and harbor. The reports of the commission have to be submitted to the Board of Estimates and the Board of Public Improvements acting as one body, and, if agreed to by them, referred to the council for approval by ordinance. The city is authorized to confer additional powers on the commission. The expense of carrying out their plans is to be met in the main by local assessments.

A New Jersey law passed in 1903 [ch.168] for the government of cities, but going into effect as to any particular city only when adopted by that city was amended so as to increase the powers of



**the council at the mayor's expense ['04 ch.191]. Originally the mayor could appoint, suspend and remove police officers at will. Now he can suspend such an officer only temporarily. If he takes this course he must report to the council. After a hearing, the council may confirm the suspension, but a two thirds vote is required for that purpose. The appointment of the Board of Assessment and Revision is also transferred from the mayor to the council. The council is now composed of two aldermen from each ward instead of one from each ward and three at large, as formerly. Another New Jersey act ['04 ch.31] extends the terms of city counsel, treasurer and surveyor or engineer from one year to three years.**

**The new Ohio Code was amended, on the other hand, so as to increase the mayor's authority somewhat. Instead of filling a vacancy occurring from the death, resignation, removal or disability of any officer or director in any city department only till the next election, the mayor now has authority to fill the vacancy for the unexpired term ['04 p.78]. The mayor's powers with reference to impeachment are also increased ['04 p.385]. He is now authorized to file impeachment charges against a city official for misconduct in office, or any gross neglect of duty, gross immorality or habitual drunkenness, as well as for bribery and malfeasance.**

**But the most striking change made during the year in the way of increasing the mayor's authority was made by the Kentucky Legislature in an act governing cities of the first class, viz Louisville ['04 ch.25]. The Board of Public Works and the Board of Public Safety were formerly appointed by the mayor for four year terms, subject to confirmation by the Board of Aldermen. Now, the mayor is authorized to appoint the members and remove them at any time. The existing boards were legislated out of office, and an emergency declared in the following terms:**

**Whereas, It appears that there is a lack of responsibility and a conflict of authority among the members of said boards heretofore appointed for cities of the first class, and,**

**Whereas, It is believed that the mayor of the city should be responsible to the people for the good government of the city through the executive boards, and that he can be held responsible by the people only by virtue of his complete control of the boards appointed by him and his right to change the said boards and the members thereof, at pleasure, an emergency exists for the immediate enforcement of this act.**

### **County and township government**

**There seems to be a general feeling of opposition to the extension of the terms of elective officers. During the year the people of Tennessee voted down a proposed constitutional amendment mak-**



ing the terms of certain county officers four years instead of two, even though they were to be ineligible for a second term till four years after the expiration of the first ['03 ch.532]. A somewhat similar amendment was voted down in Florida also ['03 p.636].

Some important legislation with reference to county government was enacted in Ohio. The county commissioners were authorized to employ a clerk for his whole time, to appoint superintendents, janitors, keepers etc., to have charge of the jail, the courthouse, the bridges and other public structures ['04 p.304]. They were also authorized to employ an engineer and assistants, on request of the county surveyor, and to employ legal counsel to advise county boards and officers and bring and defend suits for the county. By another act the compensation of county commissioners was fixed on a sliding scale in proportion to the amount of property on the tax rolls ['04 p.254]. A minimum of \$750 a year and a maximum of \$3500 a year were fixed. The salary of county surveyor in Ohio is limited to \$3000, the exact amount being fixed annually by the judges of the Court of Common Pleas; all fees are abolished ['04 p.313].

In New Jersey the office of register of deeds and mortgages was established for counties with more than 99,000 population ['04 ch.18], the term of office being fixed at five years and the duties of the office taken from the clerk of common pleas.



## LOCAL FINANCE<sup>1</sup>

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The year under review has been marked by no important developments in local finance so far as indicated by the messages of the governors or by the laws passed by state Legislatures. Ohio and New Jersey and Massachusetts are the only northern states which even require mention.

Governor Bates of Massachusetts renewed a recommendation previously made for a uniform system of municipal accounting. This was in line with the development of recent years in other states, but no results came from it in Massachusetts. In Ohio an act was passed ['04 p.271] making some slight amendments in the Ohio law of two years ago ['02 p.511] for uniform accounting. The new law requires that the annual reports from public institutions and taxing districts be filed with the Bureau of Inspection and Supervision of Public Accounts, within 30 days after the close of the fiscal year. If this is not done, the delinquency must be reported to the proper legal authority of the taxing district to secure the desired returns by compulsory legal process; and if this fails, application is to be made to the attorney general.

Another Ohio law ['04 p.270] permits the banks serving as depositories of cities and villages to furnish corporate surety bonds instead of personal bonds.

That the Ohio legislation of 1902 relating to municipalities ['02 p.20] was defective in still other respects, is shown by several laws of the past year relating to special assessments. But these new laws pertain to minor details merely. The most important is the one limiting special assessments for street improvements to one third of the taxed value of the property ['04 p.125].

As in previous years, indebtedness is a subject which calls forth more legislation than any other. Governor Bates of Massachusetts noted that many cities of that state had been permitted by special acts to incur indebtedness beyond the regular statutory limit, and advised the Legislature to pass no more special acts of that kind. New Jersey authorized cities to fund floating indebtedness "of any kind whatsoever" into 30 year bonds ['04 ch.164]. Texas passed a constitutional amendment giving further liberty for incurring indebtedness for local improvements, specially for irrigation. South Carolina submitted a constitutional amendment allowing the city of Greenville to increase its bonded debt to 15% of its taxable prop-

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<sup>1</sup>See also *Governors Messages and Index of Legislation*, 2550.



erty ['04 ch.3857]. In November the voters of Tennessee rejected a constitutional amendment limiting the indebtedness of counties, cities, and towns to 10% of the taxable property. Louisiana amended the law of 1902 ['02 ch.79] regarding the courthouse building of New Orleans so as to require that 50 year bonds be issued, not to exceed \$750,000, secured by a special lien on the courthouse and land. This is an invasion of the autonomy of a city by the state Legislature similar to the case of the city hall of Philadelphia. The provision for mortgaging the property of the city is also found in an Alabama law permitting plants for gas, water, or electric lights to be used as security for loans.

The southern cities, in the liberty they are seeking for borrowing money, are only showing one phase of the industrial development which the South is now enjoying; they are expanding their municipal activities in much the same way as did the cities of the northern states 20 years ago. We may, therefore, expect that for some time to come southern cities will be the subject of much legislation, with danger that the borrowing power will be abused.



## MUNICIPAL FUNCTIONS<sup>1</sup>

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Special and class legislation continues to be the dominating and almost exclusive method of extending and regulating the powers and functions of American municipalities. In 1904 there were 66 special city laws for particular cities in New York State, 43 in Massachusetts, 40 in Louisiana, 25 in Maryland and even 10 in Virginia, where a comprehensive general law had been enacted the previous year. Of the New York laws, no less than 21 applied only to New York city, including acts for such trivial matters as a change in the salaries of chaplains in the fire department and creating the office of chief lineman for the police telegraph service. There were four acts for Buffalo, and as many for Yonkers; and even special measures for each of three of the four cities of the second class for which a general law was enacted a few years ago. In Maryland eight special acts were passed for the city of Baltimore.

Nor are conditions much improved in most of the states where special legislation is prohibited. Laws apparently of general application or applying to a class of cities are enacted to meet conditions in a particular city, and so worded that no other city can make use of the powers conferred. A recent act of this kind in Minnesota has been declared unconstitutional because the basis of classification was too narrow.<sup>2</sup> This was an act ['03 ch.50] authorizing an issue of bonds for repurchasing municipal waterworks in cities under 10,000 population which had sold a municipal plant with a reservation of the right to repurchase, which in part applied only to the city of St Cloud. In many cases such acts are so phrased that it is difficult to detect their special nature.

Almost the only legislation of importance during 1904 which had a general application to all cities in the state were some amendments to the new Ohio municipal code.

### Public safety

In this branch of municipal administration the most important measure was an act for reorganizing the police force of New Orleans [La. '04 ch.32]. This provided for a new police board, to consist of the mayor and two resident taxpayers, to be appointed by the mayor and council and to serve without salary. This board is empowered to reorganize the police force, with regulations which seem to establish an effective merit system, based on definite quali-

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<sup>1</sup>See also Governors Messages and Index of Legislation, 2430.

<sup>2</sup>Thomas v. St Cloud, 97 N. W. Reporter, 125.



fications for appointment and promotion, the prohibition of political activity, and a system of disciplinary fines, while removals are to be made only on written charges and after a hearing.

Retiring pensions for members of police and fire departments are becoming more common, and a good deal of legislation on this subject was passed in 1904. A Massachusetts act ['04 ch.327] authorized towns to establish police and firemen's pensions on a two thirds vote at the annual town meeting. The existing Ohio legislation on the subject was amended ['04 p.241]. Police pensions were authorized in Louisville [Ky. '04 ch.12] and in four New York cities [N. Y. '04 ch.268, 285, 459, 617]; and firemen's pensions in South Carolina cities with over 20,000 population ['04 ch.279] and in Shreveport La. ['04 ch.177]. In Missouri, however, a proposed constitutional amendment ['04 p.279] authorizing police pensions was defeated at the November election.

Other statutes amended the law regulating the trials of policemen in New York city, established a fire and police board for the village of White Plains N. Y. ['04 ch.306] and a board of fire commissioners for Greenville S. C. ['04 ch.358], and authorized Ohio cities to license certain occupations and purchase or lease property for pesthouses ['04 p.504].

### Public improvements

Special acts for the city of Baltimore hold first place in the new legislation for municipal public improvements. These include measures establishing a special commission to carry out plans for street improvements, public squares and market places, the extension of the harbor, the construction of public wharves and docks, in the region burned in the disastrous fire of February 1904; and other measures authorizing loans for sewerage, other street improvements and the extension of parks. Altogether the city was authorized to borrow \$19,000,000 on long time loans and \$4,000,000 on temporary loans for these various purposes.<sup>1</sup>

A number of special acts were passed in various states, each dealing with several distinct classes of public works, such as water-works, sewers and lighting plants, and establishing boards to manage the combined undertakings.<sup>2</sup> For Baton Rouge La. a board of public works has been constituted ['04 ch.171] in a very peculiar manner. It consists of the presidents of three local banks, two citizens chosen by the city council and two others chosen by these five; and the whole board is established as "a permanent syndicate," with power to fill vacancies in its membership.

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<sup>1</sup>Md.'04 ch.3, 87, 274, 338, 349, 444, 463, 468.

<sup>2</sup>Mass.'04 ch.3, 106; Md.'04 ch.204; Ga.'04 p.191, 546, 549; Miss.'04 ch.183.



Ohio and Iowa have enlarged the purposes for which municipalities may employ the power of eminent domain. In Iowa ['04 ch.37] cities and towns may now exercise this power within or without the municipal limits for sewer outlets, and garbage and sewage disposal plants. In Ohio ['04 ch.300, 333] property may be condemned for boulevards, parkways and esplanades around public buildings, and for water, gas and electric light works, including the rights necessary for the construction of dams.

On street improvements in general we may note two New Jersey laws regulating the procedure for such undertakings: one ['04 ch.91] subject to adoption by a referendum vote, and another ['04 ch.131] authorizing the council in towns under the general town law to initiate proceedings, in place of a petition by the property owners. In Louisiana the law regulating the procedure for such improvements was also amended ['04 ch.131].

Rather more important are statutes in reference to sidewalks in several states: New York and Ohio laws<sup>1</sup> authorize villages to pay part of the cost of constructing stone or cement sidewalks from general taxation. In New Jersey ['04 ch.125] all municipalities are authorized to require the removal of snow and grass from sidewalks, and on failure, to have the work done by the city and special assessments levied for the cost. Ohio and Iowa statutes<sup>2</sup> regulate the method of making special assessments for sidewalk construction.

New Jersey has enacted several statutes<sup>3</sup> in reference to sewer construction, which apparently are of general application. One provides for the extension of existing sewer systems on the petition of property owners, two thirds of the cost to be collected by special assessments and one third by the city. Another increases the authorized annual expenditure of cities for sewer extension from \$75,000 to \$150,000. And a third authorizes cities under 12,000 population to maintain sewerage systems from general taxation. Iowa repealed the law relating to sewer construction in the smaller towns, and extended the provisions of the law for cities of the first and second class to include towns ['04 ch.26, 31]. In Louisiana a constitutional amendment has been adopted authorizing the creation of sewerage districts ['04 ch.186]. Special acts authorizing bond issues for sewer construction in certain cities have been passed in Massachusetts ['04 ch.196, 309, 312], Rhode Island ['04 ch.1169], Maryland ['04 ch.125], Georgia ['04 p.191, 546], and Mississippi ['04 ch.183].

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<sup>1</sup>N. Y. '04 ch.122; O. '04 p. 481.

<sup>2</sup>O. '04 p. 384; Ia. '04 ch. 30.

<sup>3</sup>'04 ch.2, 55, 85, 95, 152; ex. sess. ch.2.



Public parks may now be established by the towns of New Jersey ['04 ch.37] and the townships of Ohio ['04 p.411]. In the latter state there must first be a referendum vote, and the expenditure is limited to the proceeds of a tax of one mill on the dollar. New Jersey towns may issue bonds to purchase park property; and by another act ['04 ch.150] cities of the second class in that state may borrow up to \$10,000 a year for park improvements. In Iowa cities of less than 40,000 population, park commissioners are to be unsalaried ['04 ch.36]. Special acts conferring park powers have also been passed for Rochester and other New York cities ['04 ch. 245, 327, 412, 629], Fall River and Salem in Massachusetts ['04 ch. 195, 279], and Louisville [Ky. '04 ch.109].

Minor public improvements are authorized by other legislation. The additional powers given to Ohio cities ['04 p.504] include authority to establish, maintain and regulate market places, drinking fountains and public toilet stations. In New Jersey the optional city law is amended ['04 ch.191] to authorize the cities under it to construct boulevards and piers on the ocean beach. In Massachusetts, the Metropolitan Park Commissioners are authorized to construct a public bath on Nahant beach; and the town of Brookline is authorized to erect and maintain a public gymnasium ['04 ch.157, 326].

### Municipal ownership

More than 30 statutes, affecting as many cities, were passed in 1904 authorizing the construction or extension of municipal waterworks. Twelve were in Massachusetts<sup>1</sup>, five in New Jersey<sup>2</sup>, and others in New York ['04 ch.187, 471, 629], Rhode Island ['04 ch.1170, 1180, 1181], Ohio ['04 p.620], Virginia ['04 ch.87, 197, 262, 484], Georgia ['04 p.191, 686], and Mississippi ['04 ch.183, 186, 188]. The most important was for an additional loan of \$1,500,000 to continue the construction of the new Cincinnati waterworks. A Pennsylvania law of 1901 [ch. 113] authorizing boroughs in that state to provide a water supply by municipal works or by contract has been declared unconstitutional in so far as it impairs existing contracts.<sup>3</sup>

Special legislation authorizing municipal lighting plants in eight small communities was passed in two New England and four southern states.<sup>4</sup> Four of these authorized municipal gas plants.

<sup>1</sup>Mass. '04 ch.86, 90, 93, 126, 131, 133, 180, 197, 225, 276, 341.

<sup>2</sup>N. J. '04 ch.39, 52, 77, 146, 201.

<sup>3</sup>Potter County Water Co. v. Borough of Austin, 55 A 991.

<sup>4</sup>Mass. '04 ch.160; R. I. '04 ch.200; Va. '04 ch. 200, 215, 236; Ga. '04 ch. 546, 668, 670; Miss. '04 ch.83.



In two cities important extensions to existing municipal shipping terminals were authorized. The harbor improvements for Baltimore have already been noted, as part of the comprehensive scheme of public works in that city. The other instance is the southern port of New Orleans, where the Port Commissioners have been empowered [La. '04 ch.44] to issue \$2,000,000 in bonds for constructing wharves and warehouses.

### Franchises and control of public service corporations

No very important legislation on franchises was enacted in 1904. Ohio cities ['04 p.504] have received additional power to grant franchises for heating plants and movable rolling roads. In both cases the right to regulate rates every five years must be reserved; and for rolling roads the consent of the owners of two thirds of the property along the streets affected must be secured. Kentucky has authorized the city of Louisville ['04 ch.81] to regrant existing franchises 18 months before expiration to the highest bidder "on terms which shall be fair and reasonable to the public, to the corporation and to the patrons of the corporation." If the city decides to purchase (two years or more after the passage of this act and within two years of the expiration of the franchise), it is not compelled to renew the grant. In this case the purchase price is to be determined by arbitration, valuing the plant as a going concern, but with no allowance for estimated future growth. Kentucky towns of the sixth class are empowered to make contracts for water and lights; the same class of towns may not sell their water front, but can lease it for not more than 20 years, except that wharf privileges may not be rented for more than one year ['04 ch.95]. In New York cities from 50,000 to 250,000 population ['04 ch.454] existing street franchises may be renewed without bids or advertisements, by the council with the approval of the mayor and board of estimate and apportionment. The Virginia franchise law of 1903 [ch.138] has been repealed ['03 ch.570]; but this does not seem to affect the practically identical provisions in the general municipal corporations act, ['03 ch.269] which was passed after the franchise law.

Mississippi has joined the list of states which authorize municipalities to establish maximum rates for water, gas and electric light supplied by private corporations ['04 ch.182]. The rates fixed are limited by the terms of existing contracts, and are subject to review by the Chancery Court. Ohio has extended the right to regulate rates to include water; but has also extended the restriction, which prevents lowering rates once fixed and accepted for a period of 10 years, to include electricity as well as gas ['04 ch. 114, 263].







*New York State Education Department*  
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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25W

**ROAD LEGISLATION<sup>1</sup>**

**M. O. ELDRIDGE, OFFICE OF PUBLIC ROAD INQUIRIES, UNITED STATES  
DEPARTMENT OF AGRICULTURE**

Several measures intended to stimulate and aid in the construction and improvement of roads were adopted during the year 1904. The state aid movement which originated in New Jersey about 12 years ago and Massachusetts is now becoming general. Measures embodying some of the principles of state aid, state cooperation or supervision have now been adopted by all the New England States, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Illinois, Iowa, Minnesota, Idaho and California. Owing to the rapid introduction of the automobile for business and for pleasure a considerable share of the lawmaking in regard to roads during 1904 was directed toward the regulation of motor vehicles on country highways.

*Connecticut.* The Legislature of 1903 appropriated \$225,000 to be expended under the direction of the State Highway Commissioner during the years 1903-4. In this work the state pays two thirds of the cost and in some cases three fourths of the cost. About 450 miles of road have been built under the direction of the state highway commissioner since 1895 at an average cost of \$3000 per mile for gravel roads and \$6500 for 16 foot macadam roads; this cost includes grading and culverts.

*Delaware.* Under a law passed in 1903 the state appropriation for road building in 1904 was \$30,000. The state pays one half the expense of building certain public roads.

*Iowa.* Three laws were passed in April 1904. The first was an act ['04 ch.73] empowering certain county and city authorities to procure, under condemnation if necessary, any lands needed for gravel or other material for improving roads and streets. A second law ['04 ch.52] provides for the appointment of a state highway commission. The Iowa State College at Ames is to act as such commission. The duties of the commission shall be to devise and adopt plans and systems of highway construction and maintenance, disseminate practical information on road construction, and assist in building object-lesson roads. The control of automobiles is the object of third act ['04 ch.53], providing registration, numbering,

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<sup>1</sup>See also Governors Messages and Index of Legislation, 2700.



limit of speed, brakes, bells, lamps, signals etc. for motor vehicles. Violation is punishable by \$25 fine for first offense; \$25 to \$50 fine, or jail sentence not exceeding 30 days, for subsequent offenses.

*Kentucky.* Provision for the issue of county bonds to obtain money for road construction is made by a law passed in March ['04 ch.77]. Submission to a vote of the people of the county is required, and a petition of 15% of the qualified voters must precede such submission. A county tax not to exceed 50 cents on \$100 may be levied to pay off the bonds. Another act ['04 ch.98] enables the road supervisor to condemn by legal process land or material needed for building roads or bridges. A motor vehicle law ['04 ch.122] fixes a speed limit, requires reasonable precautions to prevent frightening draft horses on the road, and provides for lights and signals. The penalty is a fine of \$10 to \$100.

*Maryland.* Motor vehicles ['04 ch.518] must be registered, numbered, provided with lights, brakes, locks and signals, and limited to speeds named in the law. The motor vehicle must stop at the roadside when animals in transport or in use are frightened by it; and racing of any kind is forbidden. The penalty for violation is from \$20 to \$1000 or three months in jail. Another act ['04 ch.225] provides state aid for road building to a maximum of \$200,000 annually, one half of cost to be paid by the state. This aid is apportioned to each county in the ratio of the county's public road mileage to the total state mileage.

*Massachusetts.* City and town governments are authorized ['04 ch.125] to contribute money, labor, or materials to any highway which the state commission may construct in the city or town. There is an appropriation of \$490,000 a year to pay three fourths the cost of state roads constructed in the several counties.

*Mississippi.* An amendment to §311 of the Code of 1892 ['04 ch.140] enables any county to issue bonds, to run not to exceed 25 years, for the construction of public roads, and provides for a special tax to pay off such bonds. These bonds, however, must not raise the bonded indebtedness of the county above 5% of its taxable property.

*New Jersey.* Planting and care of shade trees in the public highways of cities is authorized ['04 ch.142], the cost of planting to be borne by the owner of abutting property. Two minor acts ['04 ch.133, 138] supplement the laws for acquisition of turnpikes and control of plank roads. The state appropriation for road building 1904, was \$250,000, and the average cost of macadam roads, 14 feet wide and 6 inches deep was \$7000 a mile. The state pays one third the cost of building certain public roads.



*New York.* A motor vehicle law ['04 ch.538] replaces previous legislation on this subject. It provides for registration, numbers, badges, brakes, lamps, signals etc. and directs that on meeting animals in use on the road every reasonable precaution must be taken by the motor operator to prevent accident. On signal from person in charge of the animals the motor vehicle must stop and, if necessary, cause the motor to cease running till the danger has passed. Speed limits are fixed, but races are provided for under the control of local authorities and with proper restrictions for the safety of the public. Local ordinances requiring license or excluding from the highway motor owners who have complied with the state law are forbidden. Penalties for violation of the law run from \$25 to \$100 fine and 10 days imprisonment. Other acts make changes in the relations of the state engineer to the actual work of road construction, and authorize the highway commissioner to take under process of law any ground necessary for ditches or drains in connection with road building. The total amount available for road building and maintenance in 1904 was \$3,524,480. The average cost of macadam roads in the state in 1903 was \$8063 a mile. The state pays one half the cost of building state roads.

*Ohio.* Counties are authorized to buy toll roads and maintain them as free turnpikes ['04 p.131]. Bond issues not to exceed \$225,000, with tax levy not to exceed 1 cent on \$100 for payment, are provided for; but the bonds must be voted by the people of the county. Another act ['04 p.575] permits the creation of separate road districts of the several townships and authorizes a tax for improvements. The tax may not exceed 6 cents on \$100. The creation of the road district must be voted by the people of the township. A third law ['04 p.550] provides that on petition of 100 taxpayers of the township for public road improvement the trustees of any township must hold an election on the question of improving roads by general taxation. A fourth law ['04 p.434] provides that any county through which the old national road extends shall expend on its improvement all the money on hand or henceforth received as tolls on that road.

*Pennsylvania.* The apportionment from the state fund for road building, an original total of \$6,500,000, was \$500,000 for 1904. The state pays two thirds the cost of state roads.

*Rhode Island.* An appropriation of \$105,000 was made to be expended under the direction of the State Board of Public Roads during the year 1904. A motor vehicle act ['04 ch.1157] provides for registration, numbers, locks, brakes, signals, lights, and directs



the operator to use every reasonable precaution to avoid frightening horses on the road. The penalty is \$20 or imprisonment not exceeding three months. Money collected is to go for road improvement.

*South Carolina.* An annual tax levy is provided for ['04 ch.216]. On a written petition of one fourth the resident electors and one fourth the resident freeholders 21 years old, the county commissioner must order an election on the question of a tax levy, not to exceed 2 cents on \$100. Any surplus of the tax collected in any year, which remains till the next year, is still to be used for road improvement.

*Vermont.* The Vermont plan for state aid for highway improvement assesses annually a state tax of 5 mills on the dollar, to which is added the revenues from the local option license law. The fund for the year 1904 was \$130,811.37. This is apportioned to all the towns in the state, proportional to mileage of roads in each town.

*Virginia.* A comprehensive law was enacted ['04 ch.106] which puts the control and management of roads, bridges, and landings in the hands of the county supervisors. They are to locate and maintain roads, and for the purpose may take any necessary lands by due legal process. They are to levy annually a county tax not exceeding 40 cents on \$100 for certain road uses and also a magisterial district tax not exceeding 40 cents on \$100 for certain road uses. If the levy exceeds 30 cents on \$100 the question whether such tax shall be levied must be submitted to a vote of the people. They are to appoint in January, biennially, a road superintendent who shall be a civil engineer or a person well versed in road building. This superintendent is to keep the roads in order, and with certain restrictions may take material from private property for the purpose. Bond issues for road improvement are provided for. On petition of the county supervisors the Circuit Court may order an election on the question of such bond issue and if three fifths of the qualified voters, including three fifths of the freeholders, are for it, the bonds are to be issued and a tax levied to pay them. But the bonded indebtedness is not to be made so large that the interest charge will require a yearly tax exceeding 20 cents on \$100. The courts, on application of the road supervisors, are to send the jail prisoners to work on the roads. The Circuit Court may grant authority to build a tramroad not over 6 feet wide along any public road. The supervisors may macadamize any road, and may take possession of and maintain any turnpike abandoned by its owners. An amendment ['04 ch.42] provides for the continuance of tolls on turnpikes and fixes the rates.



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SUBJECT INDEX OF LAW ADDITIONS

Jan. 1, 1894-Dec. 31, 1903

*WMS  
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Commissioner of Education

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MELVIL DEWEY

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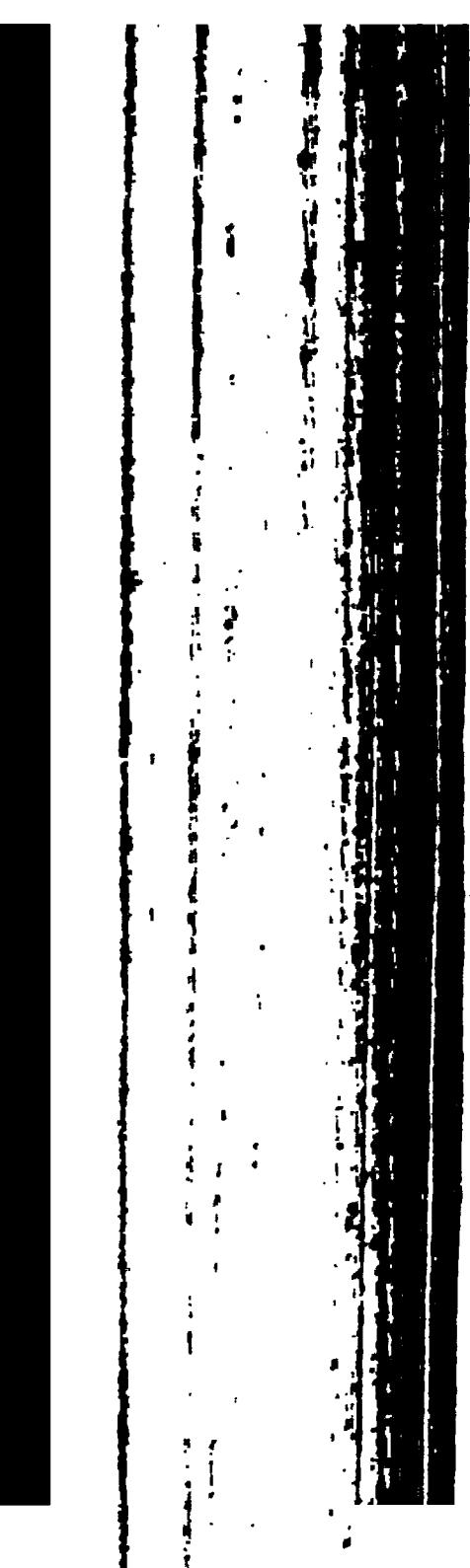
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A. S. Draper

Commissioner of Education.







*State Library Albany N. Y. Jan. 4, 1905*

*A. S. Draper*

*Commissioner of Education*

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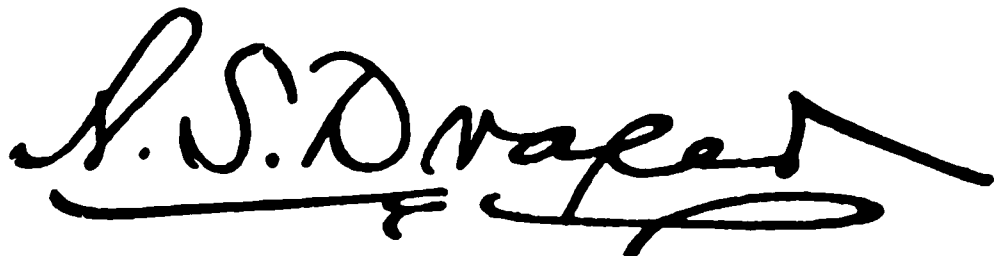
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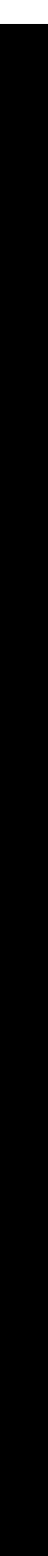
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# New York State Library

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Jan. 1, 1894-Dec. 31, 1903

### ABBREVIATIONS

#### TITLES OF PERIODICALS. COLLECTIONS AND PUBLICATIONS OF SOCIETIES

Alb. L. J.	Albany Law Journal
Am. L. Reg. (n. s.)	American Law Register, new series
Am. L. Rev.	American Law Review
Am. Land & T. Reg.	American Land and Title Register
Am. Lawy.	American Lawyer
Am. Leg. N.	American Legal News
Austral. L. T.	Australian Law Times
Bank. L. J.	Banking Law Journal
Barr.	Barrister
Bomb. L. R.	Bombay Law Reporter
Bomb. L. R. J.	Bombay Law Reporter Journal
Brief	Brief
Brief P. D. P.	Brief of Phi Delta Phi
Bus. Law	Business Law
Ca. L. J.	Canada Law Journal
Ca. L. Rev.	Canadian Law Review
Ca. L. T.	Canadian Law Times
Cape L. J.	Cape Law Journal
Cent. L. J.	Central Law Journal
Chic. L. J. (n. s.)	Chicago Law Journal, new series
Chic. L. J. (w.)	Chicago Law Journal weekly
Chic. L. N.	Chicago Legal News
Collect. & Com. Lawy.	Collector and Commercial Lawyer
Columb. L. R.	Columbia Law Review
Couns.	Counsellor
Cred. Man	Credit Man
Crim. L. M.	Criminal Law Magazine
Green B.	Green Bag
Guide	Guide
Harv. L. R.	Harvard Law Review



Ia. Univ. L. B	Iowa University Law Bulletin
Ir. L. T.	Irish Law Times
J. P.	Justice of the Peace
Jurid. Rev.	Juridical Review
Kan. City B. Month.	Kansas City Bar Monthly
Kan. Lawy	Kansas Lawyer
Kos.	Kosmodike
L. J.	Law Journal
L. P.	Law Pamphlets, Library Collection
Law Adv.	Law Advertiser
Law Bk N.	Law Book News
Law Chron.	Law Chronicle
Law Gaz.	Law Gazette
Law Lib'n	Law Librarian
Law Mag. & R.	Law Magazine and Review
Law N.	Law Notes
Law N. (Am.)	Law Notes (American)
Law Q. Rev.	Law Quarterly Review
Law Reg.	Law Register
Law S. Help.	Law Student's Helper
Law S. Jour.	Law Students' Journal
Law T.	Law Times
Lawy. & Cred. M.	Lawyer and Credit Man
Leg. Adv. (Chic.)	Legal Adviser (Chicago)
Leg. Adv. (Denv.)	Legal Adviser (Denver)
Leg. Int.	Legal Intelligencer
Leg. N.	Legal News
Legal & Ins. Repr.	Legal and Insurance Reporter
Madras L. J.	Madras Law Journal
Md. L. Rev.	Maryland Law Review
Med. Leg. J.	Medico-legal Journal
Merc. Adj.	Mercantile Adjuster
Mich. L. J.	Michigan Law Journal
Mich. L. Rev.	Michigan Law Review
Minn. L. J.	Minnesota Law Journal
N. J. Law J.	New Jersey Law Journal
N. Y. L. Rev.	New York Law Review
Nat. Corp. Repr.	National Corporation Reporter
Natal L. Q.	Natal Law Quarterly
Northw. L. R.	Northwestern Law Review
Ohio L. B.	Ohio Law Bulletin
Okl. L. J.	Oklahoma Law Journal
Pa. L. Ser.	Pennsylvania Law Series
Pat. & T. M. Rev.	Patent and Trade Mark Review
Revue Lég. (n. s.)	Revue Légale, new series
S. Af. L. J.	South African Law Journal
Scot. L. R.	Scottish Law Review
Scots L. T.	Scots Law Times
Sol. J.	Solicitors' Journal
South. L. J.	Southern Law Journal
South. L. R. Atl.)	Southern Law Review (Atlanta)



Tr.	Trials (Library collection)
Univ. L. R.	University Law Review
Va. L. Reg.	Virginia Law Register
W. Va Bar	West Virginia Bar
Wash. L. Rep.	Washington Law Reporter
Week. L. B.	Weekly Law Bulletin
West. L. T.	Western Law Times
West. R. L. J.	Western Reserve Law Journal
Yale L. J.	Yale Law Journal

# HEADINGS, IMPRINTS AND NOTES

Common abbreviations for political, military, professional and honorary titles are also used.

annot.	annotated	n. d.	no date
anon.	anonymous	n. p.	no place
cir.	circuit	n. t. p.	no title page
co.	company, county	p.	page or pages
col.	college	plead.	pleading
com.	common	por.	portraits
comm.	commentaries	prac.	practice
comp.	compiler	proc.	proceedings
cont.	continued, continuation	pt	part
crim.	criminal	rel.	relating
ct.	court	rep.	reported, reports
dept.	department	ser.	series
dist.	district	sup.	supreme
ed.	edited, edition, editor	sup'r	superior
et al.	and others	supt.	superintendent
ex rel.	on the relation	tr.	trial
exam.	examination	trans.	translated, translator
fr.	from	v.	volumes
il.	illustrated	v. p.	various places of publication
jurisd.	jurisdiction		
jurisp.	jurisprudence		
legis.	legislature		
liab.	liability		

## SIZE NOTATION. SIZE LETTER

Size letter	Outside hight in centimeters		Fold
Fe	up	to 10	48°
Tt	10	" 12.5	32°
T	12.5	" 15	24°
S	15	" 17.5	16°
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Q	25	" 30	4°
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## PLACES OF PUBLICATION

Common abbreviations for states are also used.

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Balt.	Baltimore	Lug. Bat.	Lugduni Batavorum
Ber.	Berlin	Mil.	Milano
Bost.	Boston	Mün.	München
Brns. <sup>1</sup>	Braunschweig	N.O.	New Orleans
Camb.	Cambridge	N.Y.	New York
Chic.	Chicago	Ox.	Oxford
Cin.	Cincinnati	Par.	Paris
Copng	Copenhagen	Phil.	Philadelphia
Dub.	Dublin	San Fran.	San Francisco
Edin.	Edinburgh	St L.	St Louis
Eng.	England	St Pet.	St Petersburg
Fir.	Firenze	Stut.	Stuttgart
Glasg.	Glasgow	U.S.	United States
Göt.	Göttingen	Ven.	Venice
Kjöb.	Kjöbenhavn	Wash.	Washington
Ley.	Leyden		



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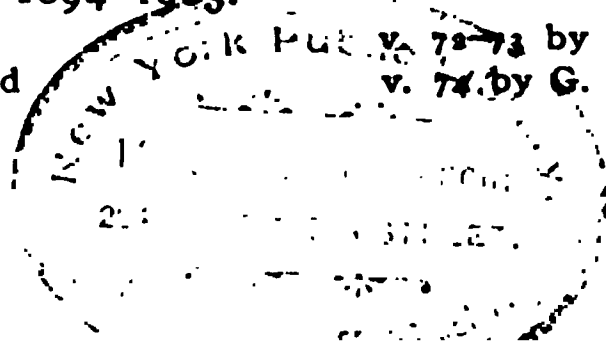
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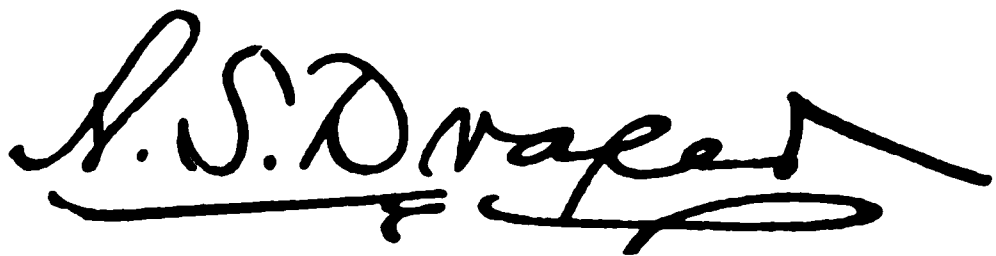
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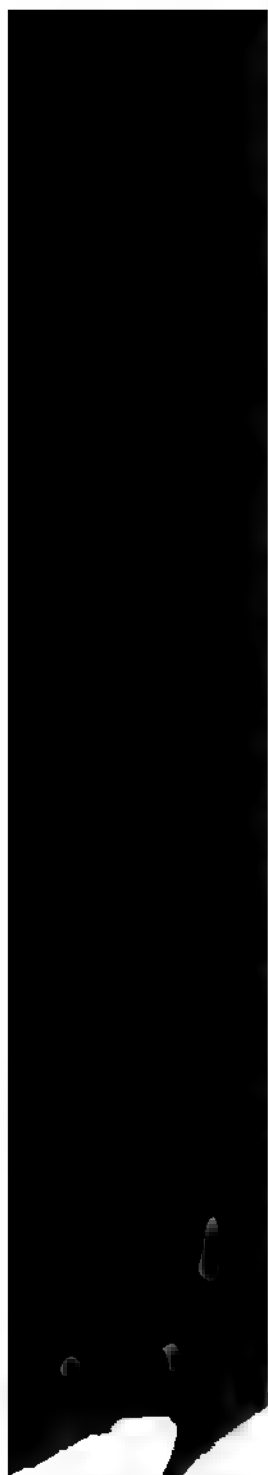
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This list of current serials in the State medical library is divided into three sections: (1) periodicals; (2) society transactions and reports; (3) public health reports and vital statistics. The arrangement is alphabetic under each. Entries are under present form of title with present place of publication, giving volume numbers with years covered by volumes now in the library. When there are so many odd numbers and volumes that it is impracticable to specify each one, a note saying "imperfect" has been added. Numbers at the extreme right of the page, with letters following each entry, are call numbers of the serial. References have been made from recent well known forms of titles to the present form.

Public health reports and vital statistics including yearly, monthly and weekly reports are alphabetized under name of country, state or town.

In addition to list of current serials there is a list of the complete sets of periodicals no longer published, and the longer of the incomplete sets which have either stopped publication or for other reasons are not now regularly received. There are also odd numbers and volumes of many other serials not sufficiently important to put on the list.

The bibliography of cerebro-spinal meningitis is reprinted from the *Albany Medical Annals* with the addition of articles which appeared between May and September.

We earnestly request physicians to help complete our periodical list by sending odd numbers and volumes even if they seem to be of little value, as they may be of great value to us in filling gaps in incomplete sets.



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**American Climatological Association.** Transactions. Phila-  
delphia. v.2-date, 1891-date. 610.6 O4

**American Dermatological Association.** Transactions. 1898-date.  
616.5

**American Gynecological Society.** Transactions. Philadelphia.  
v.1-date, 1876-date. 618.1 N7b

**American Homoeopathic, Ophthalmological, Otological and Laryn-  
gological Society.** Transactions. Buffalo. v.10-date, 1892-date.  
610.6 qN8b



- American Institute of Homoeopathy.** Transactions. v.1-date, 1901-date. 610.6 K4
- American Laryngological Association.** Transactions. New York. v.17, 22-date, 1895, 1900-date. 616.22 O1
- American Medical Association,** *see* Journal of the American Medical Association.
- American Pediatric Society.** Transactions. New York. v.1-date, 1889-date. 618.9 O9b
- American Pharmaceutical Association.** Proceedings. Philadelphia. v.1-date, 1852-date. 615.06 L2
- American Public Health Association.** Public Health; papers and reports. Columbus O. v.1-date, 1873-date. 614.06 N5
- American Surgical Association.** Transactions. Philadelphia. v.1-6, 17-date, 1883-date. 617.06 O3
- American Veterinary Medical Association.** Proceedings. v.28-date, 1891-date. 619 M6
- Anatomische Gesellschaft Verhandlungen,** *see* Anatomischer Anzeiger.
- Association of American Physicians.** Transactions. Philadelphia. v.3-date, 1888-date. 610.6 O6
- Association of Military Surgeons,** *see* Journal of the Association of Military Surgeons.
- Bender Hygienic Laboratory.** Annual report. Albany. v.1-date, 1904-date. 610.7
- Chicago Pathological Society.** Transactions. v.1-date, 1894-date. 616.06 P6
- Clinical Society of London.** Transactions. v.1-date, 1868-date. 610.6 M8a
- Colorado State Medical Society.** Transactions. Denver. v.1-34, 1871-1904. 610.6 N1  
Since 1904 printed in *Colorado Medicine*.
- Congress of American Physicians and Surgeons.** Transactions. New Haven Ct. v.1-date, 1888-date. 610.6 O9
- Connecticut Medical Society.** Proceedings. Hartford. no. 1 38, 54-date, 1792-1829, 1845-date. 610.6 F93
- Deutsche Pathologische Gesellschaft.** Verhandlungen. Berlin. v.1-date, 1900-date. 616.06 P8
- Edinburgh Obstetrical Society.** Transactions. v.20-date, 1894-date. 618.2 No
- Epidemiological Society of London.** Transactions. v.14-date, 1894-date. 614.5 M3
- Firenze, Istituto di studi superiori.** Pubblicazioni... sezione di medicina e chirurgia. v.8-date, 1880-date. 610.6 qN6
- Florida Medical Association.** Transactions. no. 6-date, 1879-date. 610.6



- Georgia Medical Association.** Transactions. Atlanta. v.52-date, 1901-date. 610.6 K9  
Odd volumes of v.20-49.
- Glasgow Pathological and Clinical Society.** Transactions. v.5-date, 1893-date. 616.06 O4
- Guy's Hospital, London.** Reports. v.1-14, 31-32, 44, 51-date, 1836-date. 610.6 J6a
- Homoeopathic Medical Society of the State of New York.** Transactions. v.1-date, 1863-date. 610.6 M3
- Homoeopathic Medical Society of the State of Pennsylvania.** Transactions. Philadelphia. v.1-date, 1866-date. 610.6 M6a
- Illinois-Pharmacy, Board of.** Annual Report, with abstract of state pharmacy register. Springfield. v.2-date, 1883-date. 615.06 O2
- Indiana State Medical Society.** Transactions. Indianapolis. v.16-17, 20-date, 1866-67, 1870-date. 610.6 Lo
- International Hahnemannian Association.** Proceedings. v.1-date, 1881-date. 610.6 O1a
- Iowa State Medical Society.** Transactions of the 15th-30th, 42d-date annual session. v.1-5, 11-date. Omaha. 1867-82, 1893-date. 610.6 Lob
- Kansas State Medical Society.** Proceedings. Topeka. v.14, 15, 28-29, 33-date, 1880-81, 1894-95, 1899-date. 610.6 M7b
- Kentucky State Medical Society.** Transactions. Louisville. v.45-date, 1900-date. 610.6 L6  
Odd volumes of v.17-41.
- Kjøbenhavnske Medicinske Selskabs.** Forhandlingar. 1893-date. 610.6
- London Homoeopathic Hospital.** Reports. v.1-date, 1891-date. 610.6 P1a
- Luzerne County Medical Society.** Transactions. Wilkes-Barre Pa. 1898-date. 610.6
- Maine Medical Association.** Transactions. Portland. no. 1-date, 1853-date. 610.6 L1b
- Maryland, Medical and Chirurgical Faculty of.** Transactions. Baltimore. v.74-96, 101-date, 1873-94, 1899-date. 610.6 Go
- Michigan State Medical Society.** Transactions. Detroit. v.1-date, 1876-date. 610.6 N7b
- Minnesota State Medical Association.** Transactions. St Paul. v.1-3, 9, 33-date, 1869-71, 1877, 1901-date. 610.6 Nob
- Mississippi State Medical Association.** Transactions. Jackson. v.34-date, 1901-date. 610.6 L6a  
Odd volumes of v.5-26, 1872-93.
- Mississippi Valley Medical Association.** Transactions. Louisville. Sess. 25-date, v.1-date, 1899-date. 610.6 N5a
- Missouri Medical Association.** Transactions. St Louis. v.45-date, 1902-date. 610.6 Loc  
Odd volumes of v.19-37, 1876-94.



- uri Pharmaceutical Association. Proc  
15-date, 1881, 1884-87, 1895-date.
- National Association of Dental Faculties. Proc
- National Eclectic Medical Association. T  
York. v.1-date, 1870-date.
- Nebraska State Medical Society. Trans  
v.28-date, 1896-date.  
Odd volumes of v.4-25.
- New Hampshire Medical Society. Transa  
v.64-100, 102, 104-date, 1854-91, 1893, 189
- New Hampshire Pharmaceutical Associati  
v.18-date, 1874-80, 1891-date.  
Also reprint of 1874-80.
- New Jersey Medical Society. Transactions.  
133-37, 1766-1859, 1899-1903.  
Odd volumes of v.96-128.  
[Since 1904 printed in *Journal of the Medical Socie*
- New Jersey Pharmaceutical Association.  
date, 1892-date.
- N. Y. (state)-Cancer Laboratory. Annual  
v.1-date, 1898-date.
- New York Academy of Medicine. Transa  
1847-date.
- New York Pathological Society. Proceeding
- New York State Dental Society. Transact  
date, 1869-date.
- New York State Medical Association, *see* New  
of Medicine.
- New York State Medical Society. Transa  
1807-date.
- New York State Pharmaceutical Associatio  
Elmira. v.1-date, 1879-date.
- North Carolina Medical Society. Transactio  
v.17, 36, 45, 47-date, 1870, 1889, 1898, 1900
- Obstetrical Society of London. Transactions.
- Odontological Society of Great Britain. Trans  
v.34-date, 1896-date.
- Ohio State Medical Society. Transactions. v
- Ophthalmological Society of the United Kingdo  
London v.15-date, 1894-date.
- Pathological Society of London. Transact  
1894-date.



- Pharmaceutical Society of Great Britain.** Calendar. London. 1899-date. 615.4 N3
- Rhode Island Medical Society.** Transactions. Providence. v.1-date, 1859-date. 610.6 L9a
- Royal Academy of Medicine in Ireland.** Transactions. Dublin. v.1-date, 1883-date. 610.6 O3
- St Bartholomew's Hospital and College, London.** Reports. v.31-date, 1895-date. 610.6 M5
- St Thomas's Hospital, London.** Reports. n.s. v.1-date, 1870-date. 610.6 J6b  
v.20-22 wanting.
- Société de Biologie.** Comptes rendus hebdomadaires. Paris. v.48-date, 1896-date. 610.6 Loe
- Society for Experimental Biology and Medicine.** New York. v.1-date, 1903-date. 610.6
- Southern Surgical and Gynecological Association.** Transactions. Philadelphia. v.8-date, 1895-date. 618.1 O9
- Tennessee Medical Society.** Transactions. v.69-date, 1902-date. 610.6 JOa  
Odd volumes of v.29-66.
- Texas State Medical Association.** Transactions. Marshall. v.23-36, 1891-1904. 610.6 M9a  
Odd volumes of v.1-16.  
Since 1905 printed in *Texas State Journal of Medicine*.
- Vermont State Medical Society.** Transactions. Burlington. v.79-date, 1892-date. 610.6 H4  
Odd volumes of v.52-77.
- Virginia-Medical Examining Board.** Proceedings. 1897-date. 614.24
- Virginia Medical Society.** Transactions. Richmond. v.1-date, 1896-date. 610.6 Noa
- West Virginia Medical Society.** Transactions. Wheeling. 1867-75, 1900-1, 1904-date. 610.6 M8b
- Wisconsin State Medical Society.** Transactions. Milwaukee. v.2, 5-21, 24-date, 1868, 1871-87, 1890-date. 610.6 M7a

## Public health reports and vital statistics

- Aberdeen.** Reports [monthly]. 1898-date. 614.0941 O1  
Some numbers wanting.
- Atlanta (Ga.)** Annual Report. v.20-date, 1898-date. 614.09758  
Odd volumes of v.1-18.
- Auburn (N.Y.)** Report [annual]. 1889-date. 614.09747
- Augusta (Ga.)** Annual Report. v.3-4, 19, 21-date, 1880-82, 1896, 1898-date. 614.09758
- Baltimore.** Annual Report. 1883-date. 614.09752 G7  
1895 wanting.



**Binghamton (N.Y.)** Annual Report. 1895, 18  
**Birkenhead (Eng.)** Report [annual]. v.34

**Birmingham (Eng.)** Annual Report. 1874-9

**Boston.** Annual Report. v.3-date, 1875-da  
 v. 4 and 6 wanting

**Bradford (Eng.)** Report [annual]. 1892-d  
 Also odd volumes 1875-90.

**Brighton (Eng.)** Annual Report. 1894-da

**Bristol (Eng.)** Annual Report. 1888-date.

**Bristol Port—Sanitary district.** Annual Re

**Buffalo (N.Y.)** Monthly Report. v.3, no.

**California.** Biennial Report. v.11-date

**Cambridge (Mass.)** Annual Report. 1884-da  
 1885, 1888-89 wanting.

**Canada.** Report [annual]. Ottawa. 1899-da

**Charleston (S.C.)** Annual Report. 1880-83,

**Chicago.** Report [biennial]. 1887-date.  
 Also odd volumes, 1877-85.

—— State of Chicago's Health [weekly]. 19

**Cincinnati.** Annual Report. 1896-date.

**Cleveland (O.)** Annual Report. 1892-date

—— Statement of Mortality [monthly]. 19

**Colorado** Annual Report. v.1-date, 1876-da  
 v.2 wanting.

**Concord (N.H.)** Annual Report. 1882-date  
 Odd volumes wanting.

**Connecticut.** Annual Report. v.

—— Monthly Bulletin. 1897-date.

**Coventry (Eng.)** Annual Report. 1890, 189

**Cuba** -Informe mensual sanitario y demc  
 1904-date.

**Davenport (Ia.)** Annual Report. 1900-dat

**Dayton (O.)** Annual Report. 1883-93, 1896

**Denver.** Monthly Report. 1893-date.

**Derby (Eng.)** Annual Report. v.3-da

**Detroit.** Annual Report. v.15-date, 1895-d  
 Also v.1-2, 5-6, 11.



- District of Columbia.** Annual Report. v.1-date, 1872-date.  
614.09753 N2  
Odd volumes wanting.
- Dublin.** Annual Report upon the Analysis and Inspection of  
Food. v.34-date, 1884-date. 614.09415 M6  
Also odd volumes of v.22-31.
- Report [annual]. 1895-date. 614.09415 M6  
Also odd volumes, 1883-92.
- Dumbarton county (Scotland).** Annual Report. v.1-date,  
1891-date. 614.0941 P2
- Erie (Pa.)** Annual Report. 1897-date. 614.09748
- Florida.** Annual Report. 1890-94, 1900-date. 614.09759
- Frankfurt a. M.** Jahresbericht über die Verwaltung des Medizinal-  
wesens, die Krankenanstalten und die öffentlichen Gesundheits-  
verhältnisse der Stadt Frankfurt a. M. 1865-date. 614.0943
- Glasgow (Scotland).** Annual Report. 1898-date. 614.0941
- Grand Rapids (Mich.)** Annual Report. 1895-date. 614.09774
- Havana.** Informe Annual Sanitario o Demográfico. 1902,  
1904-date. 614.09729
- Hartford (Ct.)** Annual Report. 1891-92, 1894-date. 614.09746
- Haverhill (Mass.)** Annual Report. v.2-date, 1881-date.  
614.09744 O1  
v.3 wanting.
- Hawaii.** Report [biennial]. 1900-date. 614.09969 N2  
Also 1876-78, 1886-99.
- Henry Phipps Institute.** Annual Report. Philadelphia. 1904-  
date. 614.542
- Holyoke (Mass.)** Report [annual]. v.14, 17-date, 1894, 1897-  
date. 614.09744
- Huddersfield (Eng.)** Annual Report. 1893-date. 614.0942 O1  
——— Report [quarterly]. 1898-date. 614.0942 O1
- Hudson county (N.J.)** Annual Statement. 1890-date. 614.1.
- Indiana.** Annual Report. v.2-date, 1884-date. 614.09772 O3  
v.12 wanting.
- Monthly Bulletin. 1901-date. 614.09772
- Iowa.** Biennial Report. v.6-date, 1891-date. 614.09777 O2  
——— Iowa Health Bulletin [monthly]. v.13-date, 1899-date.  
614.09777 O7
- Italy.** Popolazione; movimento dello stato civile [annual]. Roma.  
v.9-date, 1870-date. 614.1 qM2  
Odd numbers wanting.
- Statistica delle cause delle morti [annual]. Roma.  
v.1-date, 1881-date. 614.12 qO1  
Odd volumes wanting.
- Jamestown (N.Y.)** Annual Report. 1898-date. 614.09747
- Kansas.** Annual Report. v.1-date, 1885-date. 614.09781 Q6



- Kincardine** county (Scotland). Annual Report. v.2-date  
1892-date. 614.09.
- Lanark** county (Scotland). Annual Report. v.2-date  
1892-date. 614.0941 J
- Lawrence** (Mass.) Annual Report. v.24-date, 1901-date. 614.097.  
Also v.19-22.
- Monthly Statement of Mortality. v.24-26, 1899-date  
614.127.
- Leith** (Scotland). Annual Report. v.1-date, 1901-date. 614.09.
- Liverpool** (Eng.) Report [annual]. 1886-date. 614.0942 K
- London**. Annual Report. 1893-date. 614.0942 qf
- Louisiana**. Annual Report. 1890-date. 614.09763 N  
Also odd volumes, 1871-80.
- Louisville** (Ky.) Annual Report. 1898-date. 614.0976  
1903 wanting.
- Lowell** (Mass.) Annual Report. v.5-date, 1882-date. 614.09744 N  
Odd volumes wanting.
- Lynn** (Mass.) Annual Report. 1896-date. 614.097.  
Also 1892.
- Mortality Statistics [monthly]. 1904-date. 614.127.
- Maine**. Annual Report. v.1-date, 1885-date. 614.09741 C
- Manchester** (Eng.) Health of Manchester: weekly and quarter  
returns. v.4-date, 1893-date. 614.0942 Pc
- Report. 1891-date. 614.0942 F  
1897, 1900-2 wanting
- Manchester** (N.H.) Annual Report. 1890-date. 614.097.
- Statement of Mortality [monthly]. 1897-date. 614.127.
- Massachusetts**. Weekly Bulletin. v.13 no.\*42-date, 1895-date  
614.09744 qC
- Odd numbers wanting.
- Massachusetts**—Commonwealth, Secretary of the Annual Report  
v.1-date, 1843-date. 614.1 K
- Massachusetts**—Cattle Commissioners, Board of. Annual Report  
Boston. v.1-date, Jan. 1894-date. 614.9 F  
v.31-38, 41 wanting.
- Massachusetts**—Health, Board of. Annual Report. v.1-11, 18  
date, 1869-79, 1886-date. 614.09744 N  
For v 12-17 see *Reports of board of health, lunacy and charity*, 360 M38
- Memphis** (Tenn.) Annual Report. v.1-date, 1879-date. 614.0976  
v.4 and 21 wanting.
- Official Report [monthly] 1897-98, 1900-date. 614.0976
- Mexico**. Boletín Mensual. 1901-date. 614.09.
- Michigan**. Monthly Bulletin. 1901-date. 614.1 qf
- Michigan**—Health, Board of. Annual Report. v.1-date, 187  
date. 614.09774 N
- Michigan**—State Dep't. Annual Report. v.2-date, 1868-date  
614.1 M



**Milwaukee (Wis.)** Annual Report. v.12-date, 1879-date.  
614.09775 M8

Also v.5 and 10; 1892 wanting.

**Minneapolis (Minn.)** Annual Report. 1889-date. 614.09776  
Odd volumes wanting.

—— Statement of Mortality [monthly]. 1898-date. 614.12776

**Mississippi.** Biennial Report. v.1-date, 1893-date. 614.09762 P6

**Missouri.** Annual Reports. 1901-date. 614.09778 O5a  
Also 1888, 1890-94.

**Montana.** Biennial Report. v.2-date, 1904-date. 614.09786

**Montreal.** Report [annual]. 1877-date. 614.0971 N7

**Mount Sinai Hospital. New York.** Reports. v.1-date, 1898-date.  
616 P9a

**Nashville (Tenn.)** Annual Report. v.24-date, 1898-date.  
614.09768 N5

Also 1878.

—— Official Report [monthly]. 1897-date. 614.09768

**Netherlands.** Verslag's Gravenhage [annual]. 1902-date.  
614.09492 qM6

Also odd volumes, 1896-1900.

**New Brunswick (province).** Annual Report. v.1-date, 1887-date.  
614.0971 O8

**New Hampshire.** Annual Report. v.3-date, 1884-date. 614.09742 O2

**New Haven (Ct.)** Annual Report. v.1-date, 1873-date. 614.09746 N4  
v.1-2 wanting.

—— Monthly Statement of Mortality. 1903-date. 614.12746

**New Jersey.** Annual Report. v.13-date, 1889-date. 614.09749 N7  
Also volumes 1-4, 9.

**New Orleans.** Report [annual]. v.2-date, 1900-date. 614.09763

—— Statement of Mortality [monthly]. 1902-date. 614.12763

**N. Y. (city).** Annual Report. v.1-date, 1870-date. 614.09747 N1  
Odd volumes wanting.

—— Quarterly Report. 1901-date. 614.097471

—— Weekly Report. v.3-date, 1893-date. 614.097471 P1  
Two numbers wanting.

**N. Y. (state).** Annual Report. v.1-date, 1880-date. 614.09747 Oo

—— Monthly Bulletin. Ap. 1884-date. 614.12747 qO4

**Newark (N.J.)** Annual Report. 1898-date. 614.09749  
Also 1885 and 1887.

**Newburg (N.Y.)** Annual Report. v.31-date, 1898-date. 614.09747  
Also 1888, 1892-93.

**Newcastle-upon-Tyne (Eng.)** Annual Report. v.25-date,  
1897-date. 614.0942

**Newport (R.I.)** Annual Report. v.1-date, 1885-date. 614.09745  
1902 wanting.

—— Mortality Table and Contagious Diseases [monthly].  
1897-98, 1901-date. 614.12745



- Newton (Mass.)** Annual Report. 1888-date. 614.09744 1  
 ——— Mortality Statistics [monthly]. 1902-date. 614.127
- North Carolina.** Biennial Report. v.1-date, 1887-date. 614.09756 1
- Nova Scotia.** Annual Report. v.1-date, 1893-date. 614.09  
 v.5-6 wanting.
- Oakland (Cal.)** Annual Report. 1901-date. 614.097  
 ——— Vital statistics [monthly]. 1904-date. 614.1297
- Oakland Health Bulletin**[monthly]. v.2-date, 1904-date. 614.097
- Ohio.** Annual Report. v.1-date, 1886-date. 614.09771 1
- Ohio Sanitary Bulletin** [monthly]. Columbus. v.1-da  
 1895-date. 614.05
- Omaha (Neb.)** Monthly Report. 1895-date. 614.097
- Ontario (province).** Annual Report. v.1-date, 1882-da  
 614.0971 1  
 ——— Association of Executive Health Officers. Report  
 Annual Meeting. v.2-date, 1887-date. 614.0971 1  
 Wanting 1888 and 1902.
- Ontario (province)**—Registrar-General Report [annual]. 1878-da  
 614.1 1
- Ottumwa (Ia.)** Monthly Report. 1904-date. 614.127
- Paterson (N. J.)** Statement of Mortality [monthly]. 1904-da  
 614.127
- Pennsylvania.** Annual Report. v.1-date, 1885-date. 614.09748 1
- Pittsburg (Pa.)** Annual Report. 1880-date. 614.09748  
 Also 1874 and 1878; 1893 wanting.
- Plymouth (Eng.)** Health of Plymouth [annual]. v.7-da  
 1897 date. 614.0942
- Portland (Me.)** Report of Deaths and Contagious Disease  
 [weekly]. 1898-date. 614.127
- Porto Rico.** Report and Vital Statistics [monthly]. 1900-da  
 614.0972
- Portsmouth (Eng.)** Report [annual]. 1898-date. 614.0942 O  
 Also 1896.
- Presbyterian Hospital in the City of New York.** Medical and Surgical Report. v.1-date, 1896-date. 616
- Providence (R.I.)**—Health, Sup't of. Annual Report. v.1-da  
 1857-date. 614.09745  
 v.2 and 3 wanting.
- Providence (R.I.)**—Registrar. Annual Report. v.1-date, 185  
 date. 614.1
- Quebec (province).** Annual Report. v.1-date, 1895-da  
 614.0971
- Queensland.** Vital Statistics [annual]. v.32-date, 1891-da  
 614.1 1 q1  
 ——— Vital Statistics of Greater Brisbane [monthly]. 189  
 date. 614.1 1 q1



- Reading (Pa.)** Annual Report. v.3—date, 1875—date. 614.09748 N4
- Rhode Island—Health, Board of.** Annual Report. v.2—date, 1879—  
date. 614.09745 N9  
v.10-14 wanting.
- Rhode Island—Vital Statistics, Registrar of.** Report [annual].  
v.41—date, 1893—date. 614.1 L4  
Also odd volumes, 1-34.
- Richmond (Va.)** Annual Report. v.10—date, 1881—date. 614.09755 N2  
Odd volumes wanting.
- Rochester (N.Y.)** Annual Report. 1894—date. 614.09747 K4  
Also odd volumes, 1867-84.
- St Louis.** Annual Report. v.19—date, 1887—date. 614.09778 M9  
Also v.15.
- Statement of Mortality [monthly]. 1895—date. 614.09778 qO4  
April 1898 wanting.
- St Paul (Minn.)** Annual Report. 1896—date. 614.09776
- Condensed Statement of Mortality. [monthly]. 1898—date.  
614.1
- Salem (Mass.)** Annual Report. 1894—date. 614.09744  
Also 1890 and 1892.
- Salt Lake City.** Statement of Vital Statistics [monthly]. 1896—date.  
614.12792
- San Antonio (Tex.)** Annual Report. 1898—date. 614.09764  
Also 1891-92.
- Vital Statistics [monthly]. 1901—date. 614.1
- San Francisco.** Annual Report. v.1—date, 1866—date. 614.09794 M6  
Odd volumes wanting.
- Bulletin [monthly]. 1904—date. 614.09794
- Schenectady (N.Y.)** Annual Report. 1897—date. 614.09747
- Spokane (Wash.)** Annual Report. v.7—date, 1899—date. 614.09797  
v.9 and 12 wanting.
- Stafford (Eng.)** Annual Report. v.29—date, 1902—date. 614.0942
- Staffordshire (Eng.)** Annual Report. v.8—date, 1896—date. 614.0942 Po  
Also v.5.
- Stirling (Scotland).** Annual Report. v.1—date, 1891—date. 614.0941  
P2b
- Switzerland.** Sanitarisch-demographisches Wochen bulletin.  
1903—date. 614.09494
- Syracuse (N.Y.)** Annual Report. v.1—date, 1884—date. 614.09747 O4
- Official Report [monthly]. 1903—date. 614.09747
- Texas.** Report [biennial]. 1891—date. 614.09764
- Toledo (O.)** Annual Report. 1894—date. 614.09771
- Statement of Mortality [monthly]. 1903—date. 614.12771
- U. S.—Public Health and Marine Hospital Service.** Public Health  
Reports [weekly]. Washington. v.5-6, 10, 13—date, 1890—date.  
614.09 P2



Vermont. Annual Report. v.1-date, 1887-da  
Vermont—Health, Board of. Bulletin [quarterl

Vermont—State, Secretary of. Report [annual]  
date.

Winona (Minn.) Annual Report. 1895-date

Wisconsin. Annual Report. v.1-date, 187

Worcester (Mass.) Annual Report. 1896-date

—— Mortality Report [monthly]. 1888-

#### SERIALS NOT CURRENT

This list includes serials not now regularly received  
have stopped publication or for other reasons.

#### Periodicals

American Eclectic Medical Review. New Yo  
June 1866-Nov. 1873.

American Journal of Ophthalmology [monthly].  
1887-95.

Wanting no. 2, 9, 11-12 of v.12.

American Medical and Philosophical Register.  
1814.

American Medical Digest. New York. 8v. 188:  
Merged into the *Philadelphia Medical Times* in 18

American Medical Gazette, *see* New York Medi

American Medical Intelligencer; a concentrated  
science and literature. Philadelphia. 5v. 183

American Medical Recorder. Philadelphia.

Merged into the *American Journal of the Medical Sci*

American Medical Review, *see* Medical Review and

American Medical Times. New York. v.1-4  
1863.

American Practitioner. Louisville. v.6-8, 37-42,

Annalist. New York. 3v. Oct. 1, 1846-June 15  
No more published.

Annals of Gynaecology. Boston. v.1-9 no.  
1895.

Annals of Medicine for the Year 1796-1803.  
1798 1804.

8v. wanting.

Preceded by *Medical and Philosophical Commentarie*.

Annual of the Universal Medical Sciences. Ph  
1-9, 1888-96.

5 v. a year. v.1 of 1894 wanting.

Archives de la médecine belge. Bruxelles.

Complete in 48v.



- Archives of Clinical Surgery.** New York. 10v. July 1876-Dec. 1883. 617.05 N6
- Archives of Comparative Medicine and Surgery,** *see* Journal of Comparative Medicine and Surgery.
- Baltimore Medical and Physical Recorder.** Baltimore. v.1, 1808-9 610.5 G9  
No more published.
- Baltimore Medical and Surgical Journal.** 2v. Oct. 1833-Sep. 1834. 610.5 J3  
No more published.
- British American Journal of Medicine and Physical Science.** Montreal. 7v. 1845-52. 610.5 qK5  
No more published.
- British and Foreign Medical Review.** London. 25v. Jan. 1836-Oct. 1847. 610.5 J6  
In June 1848 incorporated with *Medico-chirurgical Review*, forming *British and Foreign Medico-chirurgical Review*.
- British and Foreign Medico-chirurgical Review.** London. v.1-48, Jan. 1848-Oct. 1871. 610.5 K8  
Wanting v.39. Complete in 60v.
- Bulletin des sciences médicales.** Paris. 26v. in 23. 1824-31. 610.5 I4
- Bulletin général de thérapeutique médicale, chirurgicale, obstétricale et pharmaceutique...** Société de thérapeutique et pharmacologie. Paris. 2v. 1896-97. 615.5 P6  
No more published.
- Bulletin of Medical Science [monthly].** Philadelphia. 6v. Jan. 1841-Dec. 1846. 610.5 K3  
No more published.
- Chicago Clinical Review.** v.1-19, Oct. 1892-Mar. 1904. 610.5 P2b  
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